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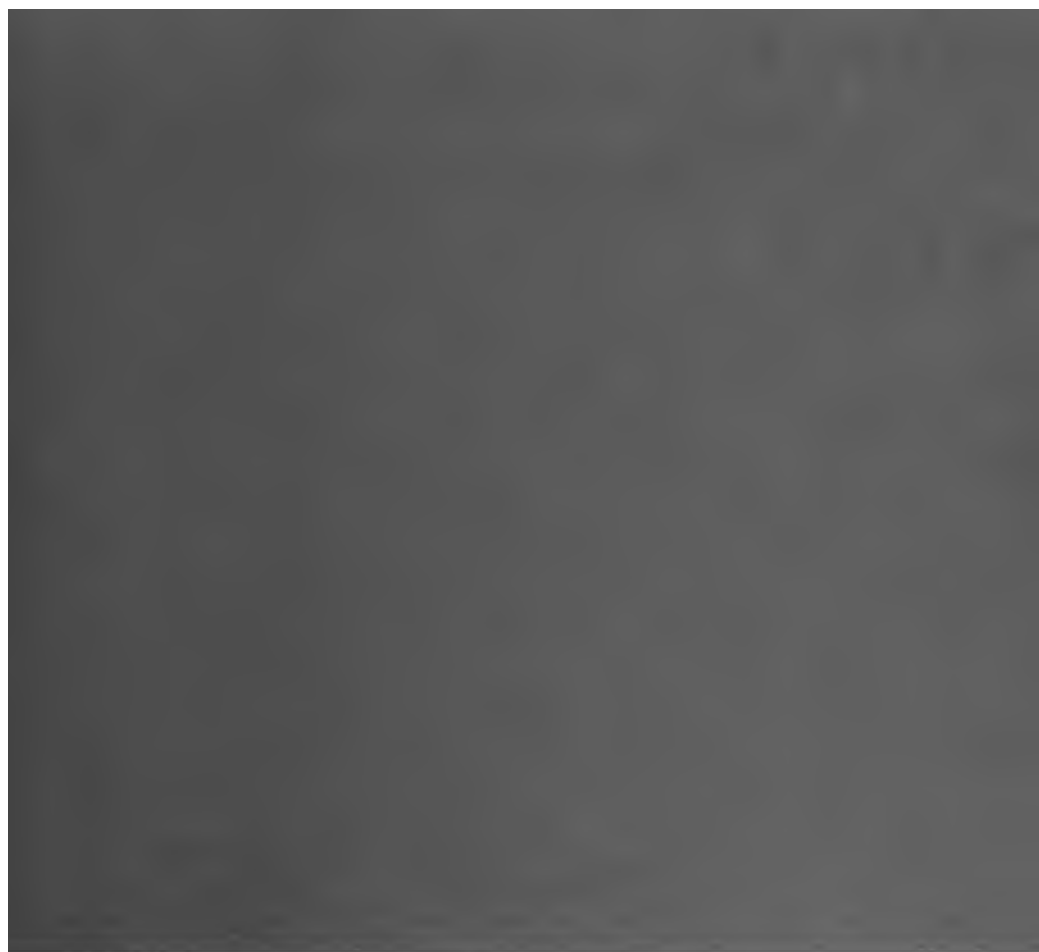
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LOCAL ACTS  
OF  
THE LEGISLATURE  
OF THE 52/22  
STATE OF MICHIGAN

PASSED AT THE  
REGULAR SESSION OF 1895  
WITH AN APPENDIX



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BY AUTHORITY

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LANSDING  
ROBERT SMITH & CO., STATE PRINTERS AND BINDERS  
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**NOTE.**—The words and sentences enclosed in brackets in the following acts were in the bills as passed by the Legislature, but not in the enrolled copies as approved by the Governor.

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V

# LIST OF LOCAL ACTS

PASSED BY THE LEGISLATURE OF 1895.

No.	TITLE.	PAGE.
272.	An act to authorize the board of supervisors of the county of Bay to transfer money from the contingent fund of said county to the poor fund thereof. Approved January 17, 1895	1
273.	An act to amend sections four and six of an act entitled "An act to amend an act, entitled 'An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith,' approved June 7, 1883, by adding a new chapter thereto," approved March 18, 1893. Approved January 17, 1895.....	1
274.	An act to amend an act entitled "An act relative to justices' courts in the city of Grand Rapids to reduce the number thereof and to fix the compensation of such justices and provide a clerk and offices therefor" being act number three hundred and six of the local acts of eighteen hundred and ninety-three approved March 22, eighteen hundred and ninety-three, by adding thereto a new section. Approved January 19, 1895.....	2
275.	An act to amend section seven of title sixteen of act number four hundred and five of the laws of eighteen hundred and ninety-three, entitled "An act to reincorporate the city of Lansing in the county of Ingham, and to repeal all acts and parts of acts in conflict herewith." Approved January 31, 1895.....	3
276.	An act to authorize the township of Tittabawassee in Saginaw county to borrow twelve thousand dollars on its bonds to build a bridge across the Tittabawassee river. Approved January 31, 1895 .....	4
277.	An act to amend section one of act number two hundred and thirty-seven of the session laws of eighteen hundred and ninety-three, entitled "An act to incorporate the village of Coloma in the county of Berrien." Approved January 31, 1895 .....	6
278.	An act to enable the board of supervisors of the county of Houghton to replace and rebuild the bridge belonging to said county, across Portage lake in said county. Approved January 31, 1895.....	7

No.	TITLE.	PAGE.
279.	An act to reincorporate the village of Wakefield in the county of Gogebic and to repeal act number three hundred and thirty-five of the local acts of eighteen hundred and ninety three, entitled "An act to reincorporate the village of Wakefield in the county of Gogebic." Approved February 6, 1895.....	7
280.	An act to amend section one of act number two hundred seventy-nine, of the local acts of eighteen hundred ninety-one, entitled "An act to incorporate the village of Watervliet, in the county of Berrien," approved April ninth, one thousand eight hundred ninety-one. Approved February 8, 1895.....	8
281.	An act to repeal act number three hundred and seventy-seven of the local acts of eighteen hundred and ninety-one, entitled "An act to authorize the county of Wayne to borrow money and to issue bonds for the (purposes) purpose of building a public building and to purchase or condemn lands as a site for the same," approved June twenty-fifth, eighteen hundred and ninety-one. Approved February 28, 1895.....	9
282.	An act to prevent the catching of trout in the Ellis brook, in town one north, range seven west, State of Michigan. Approved February 11, 1895.....	10
283.	An act to allow the village of Ontonagon, in the county of Ontonagon and State of Michigan to borrow money and issue bonds in the sum of twelve thousand dollars, to extend its system of water works and to complete its electric lighting plant. Approved February 13, 1895.....	10
284.	An act to authorize the school district known as the public schools of the township of Ontonagon to borrow money to be used in the payment of the outstanding indebtedness of said district. Approved February 13, 1895.....	11
285.	An act to detach certain land from the township of Ishpeming in the county of Marquette, and attach the same to the township of Tilden in the said county of Marquette. Approved February 19, 1895 .....	12
286.	An act to detach certain land from the village of Lakeview in the county of Montcalm and attach the same to the township of Cato in the said county of Montcalm. Approved February 19, 1895.....	12
287.	An act to amend section one of article one of act number three hundred twenty-one of the local acts of the State of Michigan for the year eighteen hundred seventy-five, entitled "An act to incorporate the village of Zeeland, in the county of Ottawa, Michigan as amended by section one of article one of act number three hundred twenty-nine of the local acts of the State of Michigan of the year eighteen hundred eighty-three." Approved February 19, 1895.....	12
288.	An act to amend section two of chapter two; to repeal section three and amend section four of chapter four, and sections two, three and four of chapter eight, of an act entitled "An act to revise the charter of the city of Negaunee, in Marquette county, being amendatory of an act entitled 'An act to incorporate the city of Negaunee, in Marquette county,' approved	

# LIST OF LOCAL ACTS.

v

No.	TITLE.	PAGE.
	April eleventh, eighteen hundred and seventy-three, and the acts amendatory thereof." Approved February 19, 1895 . . . .	13
289.	An act to detach certain lands from the township of St. Ignace, and add and attach the same to the township of Moran, in the county of Mackinac, State of Michigan; and to detach certain lands from the township of Holmes, and add and attach the same to the township of St. Ignace, in said county. Approved February 19, 1895. . . . .	16
290.	An act providing for two voting precincts in the township of Duncan, in the county of Houghton, defining the limits thereof, providing for a new registration of the voters thereof, and determining who shall be inspectors of election and members of the board of registration therein. Approved February 19, 1895. . . . .	17
291.	An act to authorize the township of South Arm, in Charlevoix county, Michigan, to borrow money for use in building road and bridges, and to issue bonds therefor. Approved February 19, 1895. . . . .	19
292.	An act to detach certain territory from the township of Fairhaven, in Huron county, and attach the same to the township of Caseville. Approved February 19, 1895. . . . .	20
293.	An act providing for the examination of warrants or orders issued by the city of Ironwood, in the county of Gogebio, prior to January first, eighteen hundred and ninety-five, and authorizing said city to exchange its certificates of indebtedness for such warrants as may be found to be legal obligations against said city, and for any final judgment rendered against said city by a court of competent jurisdiction within this State on an obligation against said city existing prior to said date, and to provide for the payment of such certificates. Approved February 19, 1895. . . . .	20
294.	An act to fix the term of office of the treasurer of the county of Wayne. Approved March 15, 1895. . . . .	24
295.	An act authorizing the supervisors of Wayne county to hold a special meeting in February or March, in the year one thousand eight hundred and ninety-five, and at such meeting to consider and determine the necessity of purchasing a site for buildings for a court house and for county offices, and for other needful purposes of said county, and for a jail and sheriff's residence, and of erecting suitable buildings therefor; and to provide for submitting the question of raising by loan, upon the bonds of said county such sum of money as they may deem necessary therefor to the vote of the electors of said county; and providing for notice of such special meeting of said supervisors, and the mode of submitting the question of said loan to the vote of the electors of said county. Approved February 20, 1895. . . . .	25
296.	An act to protect fish and to regulate fishing in the waters of Green bay, within the county of Menominee, by prohibiting the use of seines, pound nets, gill nets, and other fixed or set nets with meshes below certain sizes, and to regulate the use	

No.	TITLE.	PAGE.
	of such nets and provide a penalty for the violation of such law. Approved March 20, 1895.....	26
297.	An act to authorize the village of Mackinaw City, in the counties of Cheboygan and Emmet, to borrow money for the purpose of building a public dock and approaches thereto. Approved March 1, 1895.....	27
298.	An act to amend act number three hundred and seven of the local acts of eighteen hundred and eighty-five, entitled "An act to revise and amend the charter of the city of West Bay City, and to repeal all acts and parts of acts in conflict therewith," approved April first, eighteen hundred and eighty-five, as amended and revised by the several acts amendatory and revisionary thereof, by amending section nine of title three, sections eleven and seventeen of title thirteen, sections twelve and seventeen of title sixteen, and to add one new section to title sixteen to stand and be designated as section twenty. Approved March 1, 1895.....	29
299.	An act to provide for selecting and drawing jurors for the circuit court for the county of Bay. Approved March 1, 1895...	31
300.	An act to authorize the township of Lincoln in the county of Arenac, State of Michigan, to borrow money and issue bonds therefor, for the purpose of providing public lighting, the construction of water works and for public buildings for the use of said township. Approved March 1, 1895.....	33
301.	An act authorizing and empowering the board of supervisors of the county of Berrien to appropriate all or any portion of the general fund of such county derived from the liquor tax for the years eighteen hundred ninety-five and eighteen hundred ninety-six to the purpose of furnishing the lighting and heating fixtures and furniture for the new county buildings about to be erected in said county. Approved March 1, 1895.....	35
302.	An act to legalize and make valid certain bonds issued by the village of Bad Axe, Huron county, Michigan. Approved March 1, 1895.....	35
303.	An act to amend act four hundred fourteen of the local acts of eighteen hundred ninety-three, entitled "An act to revise and amend act one hundred thirty-four of the session laws of eighteen hundred fifty-nine, entitled 'An act to incorporate the city of Niles,' " approved February twelfth, eighteen hundred fifty-nine, as revised and amended by the several acts revisionary and amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith. Approved March 5, 1895.....	36
304.	An act to amend act number two hundred and thirty-three of the laws of Michigan, approved February seventh, eighteen hundred and sixty-seven, and entitled "An act to establish and organize school district number thirteen in the township of Oshtemo, county of Kalamazoo and State of Michigan." Approved March 5, 1895.....	39
305.	An act to amend sections one, two and three of chapter two of act number three hundred twenty-six of the local acts of eighteen hundred eighty-three, entitled "An act to provide a charter	



# LIST OF LOCAL ACTS.

vii

No.	TITLE.	PAGE.
	for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," as amended by the several acts amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith. Approved March 5, 1895.....	40
306.	An act to detach certain territory from school district number three of the township of Emmett, county of St. Clair, State of Michigan, and attach the same to school district number eight, fractional, of the townships of Mussey, Lynn and Brookway. Approved March 6, 1895.....	43
307.	An act to amend the charter of the city of Bessemer, in the county of Gogebic, being act number two hundred and sixty-three of the local acts of the year eighteen hundred ninety-three, entitled "An act extending the corporate limits of and providing a special charter for the city of Bessemer in the county of Gogebic." Approved March 6, 1895.....	43
308.	An act to provide for a board of review of assessment in the city of Iron Mountain, in the county of Dickinson, and to repeal act number two hundred and seventy-three of the local acts of eighteen hundred and ninety-one, being an act entitled "An act to provide for a board of review of assessment in the city of Iron Mountain, in the county of Menominee." Approved March 6, 1895.....	48
309.	An act to incorporate the village of Frazer in the county of Macomb. Approved March 5, 1895.....	49
310.	An act to amend act number four hundred and eight of session laws of eighteen hundred and seventy-one, being an act entitled "An act to organize the union school district of the township of Rogers, as amended by act approved June sixteenth, eighteen hundred and eighty-five. Approved March 5, 1895.....	50
311.	An act to incorporate the city of Petoskey, and to repeal all acts and parts of acts relative to the incorporation of the village of Petoskey. Approved March 8, 1895.....	51
312.	An act to legalize certain bonds of the city of Niles. Approved March 8, 1895.....	53
313.	An act to authorize and empower and enable the city of Ann Arbor to construct and maintain a system of sewers and to raise the necessary money therefor, and to legalize the proceedings and acts of the common council and officers of the city of Ann Arbor had by virtue of act number four hundred thirteen of the local acts of eighteen hundred ninety-three. Approved March 8, 1895.....	53
314.	An act to authorize the county of Menominee to borrow money to be used in the construction of a bridge across the Menominee river in the city of Menominee, and to issue bonds therefor. Approved March 8, 1895.....	55
315.	An act to authorize and empower the city of Menominee, Michigan, to build a bridge across the Menominee river, and to borrow money therefor, and to maintain and repair the same, and hereafter have full jurisdiction and authority over said bridge, within the county of Menominee, and empower said city at any time in the future to raise money to rebuild or repair said	

No.	TITLE.	PAGE.
	bridge in the same manner as herein provided for raising money. Approved March 8, 1895.....	56
316.	An act to authorize the township of Buchanan, in the county of Berrien, to borrow money to pay for the construction of a bridge across the St. Joseph river within said township. Approved March 8, 1895.....	58
317.	An act to legalize the action of the board of supervisors of the county of Berrien in issuing the bonds of said county to the amount of seventy thousand dollars pursuant to an election had November sixth, eighteen hundred and ninety-four, for the purpose of providing and erecting a suitable court house and other county buildings at St. Joseph for the use of the county. Approved March 8, 1895.....	58
318.	An act to authorize the board of supervisors of the county of Bay to provide compensation for the services of clerical work in the office of the county clerk of said county. Approved March 8, 1895.....	59
319.	An act to revise and amend section seven of act number four hundred and ninety of the session laws of eighteen hundred and seventy-one, entitled "An act to incorporate the public schools of the city of Battle Creek," approved April seven-teenth, eighteen hundred and seventy-one, as amended by act number four hundred and thirty-five of the session laws of eighteen hundred and eighty-nine, approved June nineteenth, eighteen hundred and eighty-nine. Approved March 8, 1895.....	59
320.	An act to amend sections fifteen, seventeen, nineteen and one hundred eighty-one of act number three hundred eighty four of the session laws of eighteen hundred eighty-seven, entitled "An act to reincorporate the city of Adrian," approved March eighth, eighteen hundred eighty-seven, as amended by the several acts amendatory thereof. Approved March 8, 1895....	60
321.	An act to authorize the township of Baraga, in the county of Baraga, to borrow money to be used in the payment of judgments and outstanding orders of said township and to issue bonds therefor. Approved March 12, 1895.....	61
322.	An act to provide for the preparing and maintaining a geographical index of the records in the register of deed's office in Saginaw county and the manner of maintaining said index, to provide for the expense thereof, to define the duties of the register of deeds in relation thereto, and the penalty for failure to carry out the provisions of this act and the manner of procedure in said failure. Approved March 12, 1895.....	62
323.	An act to amend section two of an act entitled "An act to revise and amend the charter of the city of Ypsilanti," approved May fifth, eighteen hundred and seventy-seven, being act number three hundred and twenty-eight of the session laws of eighteen hundred and seventy-seven, as amended by act number four hundred of the session laws of eighteen hundred and eighty-one and act number three hundred and ten of the session laws of eighteen hundred and ninety-one. Approved March 13, 1895.....	64

# LIST OF LOCAL ACTS.

ix

No.	TITLE.	PAGE.
324.	An act to provide for the election of an assessor in and for the city of Iron Mountain, in the county of Dickinson, and prescribing his powers, duties and compensation. Approved March 13, 1895.....	65
325.	An act to detach certain territory from the township of Muskegon, county of Muskegon, and attach the said territory to the city of Muskegon in said county. Approved March 13, 1895..	66
326.	An act to authorize the township of Whitney, in Arenac county, Michigan, to borrow money upon its bonds for the improvement of certain highways in that township. Approved March 13, 1895.....	66
327.	An act to detach certain territory from the township of Cedar, in the county of Mackinac, and to organize the township of Sherwood, in the county of Mackinac. Approved March 14, 1895.....	68
328.	An act detaching certain land from the township of Grant, in the county of Keweenaw, and attaching the same to the township of Eagle Harbor, in the said county of Keweenaw. Approved March 14, 1895.....	70
329.	An act to detach certain territory situated in school district number two, township of Paris, Huron county, Michigan, and attach the same to district number two of Bingham township, Huron county, Michigan. Approved March 14, 1895.....	70
330.	An act to incorporate the public schools of the township of Briley, Montmorency county. Approved March 14, 1895.....	71
331.	An act to authorize the township of Carp Lake, in the county of Ontonagon and State of Michigan to borrow money to be used in the payment of outstanding orders of said township, and to issue bonds therefor. Approved March 14, 1895.....	75
332.	An act to detach certain territory from the city of Muskegon, county of Muskegon, and attach said territory to the township of Muskegon, in said county. Approved March 15, 1895....	76
333.	An act to amend section three of an act entitled "An act to provide for two voting precincts for the township of Perry in the county of Shiawassee, defining the limits thereof providing for a new registration of the voters thereof and determining who shall be inspectors of election therein," approved July third, eighteen hundred ninety-one, being act number three hundred ninety-eight of the local acts of eighteen hundred ninety-one. Approved March 15, 1895.....	77
334.	An act to establish two polling places in the township of Port Austin, in the county of Huron. Approved March 15, 1895..	77
335.	An act to change the name of the village of Dushville in Isabella county to Winn. Approved March 15, 1895.....	78
336.	An act to amend an act entitled "An act to reincorporate the city of Ann Arbor, revise the charter of said city, and repeal all conflicting acts relating thereto," being act number three hundred and thirty-one of the local acts of Michigan of eighteen hundred and eighty-nine, approved March fifteenth, eighteen hundred and eighty-nine, as amended by act number two hundred and sixty-two of the local acts of eighteen hundred and ninety-one,	

No.	TITLE.	PAGE.
	approved March twenty-eight, eighteen hundred and ninety-one, as amended by act number two hundred and eighty-two of the local acts of eighteen hundred and ninety-one, approved April tenth, eighteen hundred and ninety-one, and as amended by act number three hundred and sixty-eight of the local acts of eighteen hundred and ninety-three, approved April twenty-seventh, eighteen hundred and ninety-three, by amending sections two, five, seventeen, thirty-one, thirty-three, thirty-four, sixty-one, sixty-nine, seventy-seven, eighty-three, eighty-eight, ninety, one hundred and seven, one hundred and eleven and one hundred and thirty-three. Approved March 15, 1895	78
337.	An act to amend sections two and four of chapter four, section fifty-nine of chapter seven, sections one, six, seven and eight of chapter ten, and section twenty-seven of chapter eleven, of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three. Approved March 15, 1895.....	85
338.	An act to detach Bois Blanc island from the township of Holmes, in the county of Mackinac, in the State of Michigan, and to organize the same into the township of Bois Blanc in said county. Approved March 15, 1895.....	88
339.	An act to detach certain territory from the township of Rock River, Onota and Matthias, in the county of Alger, and to organize the township of Limestone. Approved March 15, 1895	89
340.	An act to authorize the county of Schoolcraft to raise by loan the sum of three thousand dollars for the purpose of laying out and constructing a highway leading from the village of Manistique to the village of Seney in said county, and to provide for the construction of the same. Approved March 16, 1895.....	90
341.	An act to authorize the board of supervisors of Alpena county to bond said county for the sum of one hundred thousand dollars for a period not to exceed forty years for the construction and maintenance of county roads. Approved March 15, 1895.....	92
342.	An act to legalize the action of fractional school district number two, townships of Mayfield and Deerfield, in Lapeer county, in voting to borrow four hundred and fifty dollars, to issue bonds therefor and to authorize such loan and issue of bonds. Approved March 20, 1895.....	93
343.	An act to provide for two voting precincts in the township of Whitefish, in the county of Chippewa, and the conduct of elections thereat. Approved March 20, 1895.....	93
344.	An act to enlarge the boundaries of the village of Hancock, county of Houghton, State of Michigan, by adding certain lands thereto and including the same within the corporate limits of said village. Approved March 20, 1895.....	95
345.	An act to incorporate the city of Tawas City, in the county of Iosco, and to repeal all acts and parts of acts inconsistent therewith. Approved March 20, 1895.....	96
346.	An act to incorporate the city of East Tawas in the county of Iosco, and to repeal all acts and parts of acts inconsistent therewith. Approved March 20, 1895.....	98

# LIST OF LOCAL ACTS.

xi

No.	TITLE.	PAGE.
347.	An act to authorize the village of Howell, in the county of Livingston, to raise money to refund the bonded indebtedness in said village. Approved March 22, 1895.....	100
348.	An act to authorize the board of supervisors of Bay county to issue one hundred thousand dollars of bonds for the purpose of refunding one hundred thousand dollars of stone road bonds, due August first, eighteen hundred ninety-seven. Approved March 26, 1895.....	101
349.	An act to detach certain territory from the township of Escanaba and to attach the same to the township of Baldwin, all in the county of Delta and State of Michigan. Approved March 27, 1895.....	101
350.	An act to reincorporate the village of Calumet, in the county of Houghton, State of Michigan, and to change the name of said reincorporated village to the village of Laurium. Approved March 27, 1895.....	102
351.	An act to detach certain territory from the township of Escanaba and to attach the same to the township of Masonville, in Delta county. Approved March 27, 1895.....	103
352.	An act to provide for cleaning out, keeping open and in good condition and repair the ditch or outlet known as the Quannicasee and Cheboyganing State ditch in Bay county, and to provide for the levy and collection of taxes to defray the expense thereof. Approved March 27, 1895.....	104
353.	An act to amend sections six, nine and twelve of chapter five; sections one, six, seven, eight, nine and fourteen of chapter seventeen; sections three, eight, nine and ten of chapter eighteen; section seventeen of chapter twenty; section six of chapter twenty-two; and sections two, ten and eleven of chapter twenty-five; to add a new section to be numbered ten to chapter nine; to authorize the common council of said city to amend the appropriation bill for the year eighteen hundred ninety-five; and to repeal section six of chapter twenty, of an act entitled "An act to revise and amend the charter of the city of Jackson," approved June seventh, eighteen hundred eighty-nine, and the acts amendatory thereof. Approved March 29, 1895.....	105
354.	An act to amend act number three hundred forty-seven of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the board of education of the city of Hastings," approved April second, eighteen hundred and seventy-three, as amended, by adding thereto a new section to stand as section twelve. Approved March 29, 1895.....	113
355.	An act to provide a city depository or depositories and regulate the deposit of public moneys therein in the city of Ironwood, Gogebic county. Approved March 29, 1895.....	113
356.	An act to amend section two of chapter two and section fifteen of chapter ten of act two hundred and fifty-one of the local acts of eighteen hundred and ninety-one, entitled "An act to revise and amend the charter of the city of Ishpeming." Approved March 29, 1895.....	119

NO.	TITLE.	PAGE.
357.	An act to amend section twelve of act three hundred ninety-three of the local acts of eighteen hundred seventy-nine, being an act entitled "An act to provide for the keeping of the accounts of and the deposits of the public moneys of the county of Wayne, and to repeal act number fourteen of special session laws of eighteen hundred and seventy-four, relative to the deposit thereof," approved May twenty-seventh, eighteen hundred seventy-nine. Approved March 29, 1895.....	120
358.	An act to amend sections four, seven, nine and fifty-nine of the act to revise and amend act number two hundred and sixteen of the session laws of one thousand eight hundred and seventy-one, entitled "An act to incorporate the city of Hastings," approved March eleventh, one thousand eight hundred and seventy-one, as revised and amended by the several acts revisionary and amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith, and to add thereto a new section to stand as section seventy-seven. Approved March 29, 1895....	121
359.	An act to amend section four of chapter two, sections three and five of chapter three, sections one, six, twelve, fourteen, twenty-four, twenty-five and twenty-seven of chapter seven, chapter nine by adding thereto three new sections to stand as sections five, six and seven, sections one and three of chapter nineteen, section four of chapter twenty, section eighteen of chapter twenty-one and section six of chapter twenty-five of act number three hundred and thirty-three of the session laws of eighteen hundred and eighty-nine, entitled "An act to incorporate the city of Cheboygan, and to repeal an act entitled 'An act to reincorporate the village of Cheboygan, in the county of Cheboygan,' approved March twenty-seventh, one thousand eight hundred and seventy seven," approved March thirteenth, one thousand eight hundred and eighty-nine. Approved March 30, 1895.....	123
360.	An act to attach certain territory to the village of Dundee, Monroe county, in this State. Approved April 2, 1895.....	131
361.	An act to detach certain territory from the township of Doyle in the county of Schoolcraft, Michigan, and to attach the same to the township of Germfask, in the same county. Approved April 2, 1895.....	131
362.	An act to repeal special act number ninety-two, approved February twelfth, eighteen hundred fifty-five, entitled "An act to organize the county of Manitou," and to attach the territory composing said county to the counties of Charlevoix and Leelanau, and to apportion the property and debts of said county of Manitou. Approved April 4, 1895.....	132
363.	An act to authorize the board of health of Readmond township, Emmet county, Michigan, to sell and convey a portion or all of the cemetery on section fifteen (15) in township thirty-seven north of range six west. Approved April 4, 1895.....	135
364.	An act to amend sections two and three of act number four hundred nineteen of the local acts of Michigan of eighteen hundred eighty-seven, being an act entitled "An act to organize a	

# LIST OF LOCAL ACTS.

xiii

No.	TITLE.	PAGE.
	school district and to create a graded school in the township of Standish, county of Arenac, and the township of Pinconning, in the county of Bay, in the State of Michigan, and to establish the boundaries of school districts rendered necessary by the organization of such school district." Approved April 4, 1895.....	135
365.	An act to reorganize the townships of Ft. Gratiot and Port Huron in the county of St. Clair and defining the boundary line and name of each township. Approved April 4, 1895....	136
366.	An act to amend sections four and five of chapter eight of act number three hundred twenty-six of the local acts of eighteen hundred eighty-three, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three, as added by act number four hundred eighty-eight of the local acts of eighteen hundred eighty-seven, so as to increase the power and more clearly define the duties of the board of estimates of said city. Approved April 5, 1895.....	137
367.	An act to provide a board of jury commissioners for the county of Macomb and the manner of selecting jurors to serve in the circuit court for said county, and to prescribe their duties and fix their compensation, and to punish violations of this act. Approved April 5, 1895.....	138
368.	An act to revise, amend and consolidate all acts relative to union school district of the city of Flint. Approved April 9, 1895..	142
369.	An act to detach certain territory from the township of Burt in the county of Cheboygan and attach the same to the townships of Tuscarora and Waverly in said county. Approved April 13, 1895.....	146
370.	An act to provide for the holding of a special election for village officers in the village of Brighton, State of Michigan, on the twenty-sixth day of April, A. D. eighteen hundred ninety-five. Approved April 13, 1895.....	147
371.	An act to legalize the action of the city of Menominee in the issue of certain bonds of said city, and to declare said bonds valid and legal. Approved April 16, 1895.....	148
372.	An act to amend act number three hundred and seven of the local acts of eighteen hundred and eighty-five, entitled "An act to revise and amend the charter of West Bay City and to repeal all acts and parts of acts in conflict therewith," approved April first, eighteen hundred and eighty-five, as amended and revised by the several acts amendatory and revisionary thereof, by amending all the sections of title two, sections eight and nine of title three, sections twenty-three and twenty-four of title four, section forty-three of title five, and to add one new section to title fourteen to stand and be designated as section fifteen, and to amend section twelve of title seventeen. Approved April 16, 1895.....	150
373.	An act to legalize certain orders issued by the board of supervisors for the county of Muskegon and to authorize said board to issue its orders for a further amount to pay an indebtedness already incurred. Approved April 16, 1895.....	155

No.	TITLE.	PAGE.
374.	An act to amend section one, and to add two new sections to stand as sections two and three of chapter twenty-eight of act forty-eight of the local acts of eighteen hundred eighty-two, entitled "An act to reincorporate the city of Manistee." Approved April 16, 1895.....	155
375.	An act to authorize the board of education of the union school district of Bay City to issue orders, payable at a future date, with interest, for the purpose of paying a portion of the cost of erecting and furnishing a school building in the eleventh ward of said city. Approved April 16, 1895.....	157
376.	An act to authorize the common council of the city of Ann Arbor, Washtenaw county, by ordinance, to enter into a contract not exceeding five years with any electric or gas light company to furnish electric or gas lights for its streets, public buildings and public places. Approved April 17, 1895.....	157
377.	An act providing for the appointment, fixing compensation and defining the duties of stenographer for the probate court for the county of Oakland, and for taking and transcribing of testimony in cases on examination of offenders before justices of the peace for the county of Oakland, charged with an offense not triable before a justice of the peace. Approved April 17, 1895.....	158
378.	An act for the protection of fish in the waters of Otsego lake, in Otsego county, for a period of ten years, and to regulate the time and manner of taking and catching fish therefrom. Approved April 17, 1895.....	160
379.	An act to reincorporate the city of Charlotte, and to repeal act two hundred and fifty of the session laws of Michigan for the year eighteen hundred seventy-one, entitled "An act to incorporate the city of Charlotte," approved March twenty-ninth, eighteen hundred seventy-one, and all amendments thereof. Approved April 17, 1895.....	160
380.	An act to authorize the common council of Bay City to borrow money with which to pay certain water-works bonds heretofore issued. Approved April 17, 1895.....	226
381.	An act to amend section four of chapter one; sections one and seven of chapter two; sections one, three and five of chapter three; section two of chapter four; section five of chapter five; section six of chapter six; sections six, twelve, thirteen, fourteen, fifteen, twenty-three, twenty-seven, thirty-four, thirty-five, thirty-seven, forty-five, forty-eight, fifty-five, fifty-six and sixty of chapter seven; sections one and three of chapter eight; sections one, four, seven, ten and thirteen of chapter nine; sections one two, five, seven, ten and fifteen of chapter ten; sections one, nine, ten and twelve of chapter eleven; sections one, three, six, seven, nine, fourteen and nineteen of chapter fifteen; sections eight, eleven and fifteen of chapter sixteen; sections one, two, ten and thirty-three of chapter seventeen, and to add a new section to chapter nine to be known as section nineteen, and to add a new section to chapter ten to be known as section seventeen, and to add a new section to	



# LIST OF LOCAL ACTS.

XV

No.	TITLE.	PAGE.
	chapter eleven to be known as section thirteen, and to add a new chapter thereto to be known as chapter twenty-two, and to repeal sections twenty-nine, thirty, thirty-one, thirty-two of chapter fifteen, and sections one, two, three, four and five of chapter twenty-one, of act number three hundred ninety of the local acts of eighteen hundred eighty-five and the amendments thereto, entitled "An act to amend and revise the charter of the city of Port Huron" approved June seventeenth, eighteen hundred eighty-five. Approved April 17, 1895.....	226
382.	An act to revise and amend the charter of the city of Saginaw, and to amend sections two, five, ten, eleven, twelve, fourteen, fifteen, twenty and twenty-six of title two; sections thirteen, fifteen and nineteen, and paragraphs nine, fourteen and thirty-six of section eight, of title three; sections five, six, seven, nine and twenty-one of title four; sections one, two, four, six, ten, eleven, thirteen and seventeen of title five; sections three, four, fourteen, sixteen, eighteen, nineteen, twenty, twenty-two and twenty-eight of title six; sections five, eight, thirteen and sixteen of title ten; sections seven and eight of title twelve; section thirty-three of title fourteen; sections two, five, fifteen, sixteen, nineteen, twenty, and twenty-three of title fifteen; sections thirteen, fourteen, twenty-one and twenty-two of title sixteen; and to repeal section twenty-five of title six, of act four hundred fifty-five of the local acts of eighteen hundred eighty-nine, entitled "An act to annex the territory embraced within the city of East Saginaw to that of the city of Saginaw, and to consolidate the city of East Saginaw with Saginaw, under the name of the city of Saginaw; to specify and fix the boundaries of the consolidated city; to provide for the assuming and payment of the indebtedness and liabilities of the present cities of East Saginaw and Saginaw, and for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of the said city of Saginaw as so consolidated, and to repeal all acts inconsistent herewith," as amended by act two hundred fifty-seven of the local acts of eighteen hundred ninety-one, approved March twenty-eighth, eighteen hundred ninety-one, and by act four hundred two of the local acts of eighteen hundred ninety-three, approved May twenty-third, eighteen hundred ninety-three, and to add a paragraph to section eight of title three, to be numbered thirty-seventh; and a section to title twelve to be numbered fifteen; and to add a new title thereto, numbered seventeen, providing for a board of estimates and specifying the duties thereof, and also a new title numbered eighteen, empowering said city to purchase or build, maintain and operate a lighting plant; and to repeal all acts and parts of acts inconsistent herewith. Approved April 24, 1895.....	253
383.	An act to authorize school district number three of the township of Marlette, in the county of Sanilac, to borrow money and issue bonds therefor, for the erection and furnishing of school buildings in said district. Approved April 26, 1895.....	286

No.	TITLE.	PAGE.
384.	An act to facilitate the construction and maintenance of sidewalks in road districts number ten and thirteen in the township of Ecorse, Wayne county, Michigan. Approved April 26, 1895.....	287
385.	An act to provide for two voting precincts in the township of Masonville, in the county of Delta. Approved April 26, 1895	288
386.	An act to amend and revise act number four hundred twenty of the local acts of eighteen hundred eighty-one, entitled "An act to revise an act entitled 'An act to incorporate the board of education of the city of East Saginaw,' approved June seventh, eighteen hundred eighty-one, as amended by act number three hundred thirteen of the local acts of eighteen hundred eighty-five, approved April second, eighteen hundred eighty-five, and as further amended by act number four hundred fifty-eight of the local acts of eighteen hundred eighty-nine, approved June twenty-ninth, eighteen hundred eighty-nine, and to change the name of said board from 'The board of education of the city of East Saginaw,' to 'The board of education of the city of Saginaw, East Side.'" Approved April 30, 1895.....	289
387.	An act to incorporate the village of Ewen in the county of Ontonagon. Approved April 30, 1895.....	295
388.	An act to authorize the city of Gladstone, in the county of Delta and State of Michigan, to borrow money and issue bonds in the sum of twelve thousand dollars, to be used in street improvements, extension of water works system and the construction of an electric lighting plant. Approved May 1, 1895.	296
389.	An act to provide for a law department for the city of Detroit, to abolish the offices of city counselor and city attorney, and to repeal act number four hundred nineteen of the local acts of eighteen hundred ninety-three, entitled "An act supplemental to the charter of the city of Detroit, and to provide for a law department in said city," approved June first, eighteen hundred ninety-three. Approved May 4, 1895.....	297
390.	An act authorizing and empowering the city of Pontiac to borrow money for the purpose of constructing main or trunk sewers in such city. Approved May 4, 1895 .....	300
391.	An act to make townships, cities and villages in St. Clair county primarily liable for the payment of all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, where said county is now primarily liable for such payment. Approved May 4, 1895 .....	302
392.	An act to incorporate the public schools of the township of Vienna, Montmorency county. Approved May 6, 1895.....	303
393.	An act to authorize the township of Albert, in the county of Montmorency, to borrow money to be expended in the construction of a system of lighting and fire protection in said township and to issue its bonds therefor. Approved May 7, 1895.....	307
394.	An act to enable the city council of the city of Iron Mountain to cause to be raised by tax, for school purposes, in each of	

# LIST OF LOCAL ACTS.

xvii

No.	TITLE.	PAGE.
	the years eighteen hundred ninety-five and eighteen hundred ninety-six, a sum equal to three per cent on the dollar of the taxable valuation of the taxable property in said city of Iron Mountain, as shown by the tax rolls of the preceding year. Approved May 7, 1895.....	308
395.	An act to amend section one of an act entitled "An act to reorganize and incorporate the public schools of the city of Mt. Pleasant," approved February seventeenth, eighteen hundred ninety-three, and to annex certain territory to school district number three of the township of Union in Isabella county. Approved May 8, 1895.....	309
396.	An act to provide for the organization of a fractional school district in the townships of Brady and Chesaning, in the county of Saginaw, and in the townships of New Haven and Rush in the county of Shiawassee, State of Michigan, to be known as the Oakley public school district. Approved May 8, 1895.....	310
397.	An act to amend section twenty-two of an act entitled "An act to incorporate school district number one of the city and township of Kalamazoo, Kalamazoo county, Michigan, and to repeal all acts and parts of acts inconsistent therewith, and to provide for the maintenance of a public library under the management and control of the board of education of said district," being act number three hundred thirty-five of the local acts of eighteen hundred ninety-one, approved May twenty-sixth, eighteen hundred ninety-one. Approved May 9, 1895.....	311
398.	An act to amend section twelve of chapter twenty-eight of act number two hundred and forty-one of the local acts of eighteen hundred ninety-one, entitled "An act to reincorporate the city of Escanaba, in the county of Delta, to add territory thereto, and to repeal all acts and parts of acts in contravention thereof." Approved May 10, 1895.....	312
399.	An act to prohibit fishing with certain nets in Manistee county. Approved May 10, 1895.....	313
400.	An act to legalize certain proceedings of school district number three of the township of Hampton, Bay county, Michigan, relative to sending certain resident scholars of said district to the high school of Bay City, Michigan, and paying their tuition. Approved May 10, 1895 .....	314
401.	An act to provide for a registration of electors and the holding of elections in school district number seventeen in the city of Jackson and townships of Blackman and Summit. Approved May 13, 1895.....	314
402.	An act to amend section two of act number three hundred and seventy-nine of the local acts of the State of Michigan for the year one thousand eight hundred and ninety-one, entitled "An act to provide for the compensation and to prescribe the duties of certain officers of the county of Kent," approved June twenty-sixth, eighteen hundred ninety-one. Approved May 11, 1895.....	316
403.	An act to authorize the township of Hillman, in Montmorency county, Michigan, to borrow money to be used in paying out-	

No.	TITLE.	PAGE.
	standing orders and indebtedness of said township, and to issue bonds therefor. Approved May 11, 1895 .....	317
404.	An act to vacate the township of Ogemaw, in the county of Ogemaw, and to incorporate its territory within the adjoining township of West Branch, in Ogemaw county. Approved May 11, 1895.....	319
405.	An act to authorize the township board of the township of Briley, in Montmorency county, to borrow money to be used in building a bridge across Thunder Bay river in said township, and to build a township highway from Atlanta to Jackson Lake in said township, and to issue bonds therefor. Approved May 11, 1895 .....	319
406.	An act to provide for two voting precincts in the township of Chesterfield in the county of Macomb. Approved May 11, 1895.....	320
407.	An act to amend sections two and three of chapter four; sections one, two, three, five and seventeen of chapter six; section one of chapter seven, entitled "Compensation of officers;" section three of chapter eleven, sections one, eighteen and nineteen of chapter twenty-eight, and sections three and fifteen of chapter thirty, of act number three hundred and twenty-one of the local acts of eighteen hundred ninety-three, entitled "An act to reincorporate the city of Gladstone, in the county of Delta, and to repeal all acts or parts of acts inconsistent with the provisions of this act," approved March twenty-seventh, eighteen hundred ninety-three. Approved May 13, 1895 .....	321
408.	An act to authorize the judge of probate of St. Clair county to appoint a register, and prescribing the duties and providing for the compensation of such probate register. Approved May 16, 1895.....	327
409.	An act to amend section five and eight of chapter four; section three of chapter six; sections one, seven and thirteen of chapter seven; section twenty-four of chapter eight; sections eight and eighteen of chapter twelve, of an act entitled "An act to amend and revise the charter of the city of Marquette, Marquette county," approved March twenty-seventh, eighteen hundred and ninety-one, as amended by act number three hundred and twenty-three of the local acts of the legislature of the State of Michigan of the year eighteen hundred and ninety-three, and to add twenty-nine new sections thereto to stand as sections six to thirty-four, inclusive, of chapter ten, and section twenty-five of chapter fourteen of said act. Approved May 16, 1895..	328
410.	An act to amend section twenty-two of chapter twenty-three of act five hundred thirty-three of the local acts of eighteen hundred eighty-seven, entitled "An act to incorporate the city of Sault Ste. Marie and to repeal an act entitled 'An act to [reincorporate] incorporate the village of Sault Ste Marie,' approved May twenty-ninth eighteen hundred seventy-nine as amended." Approved May 16, 1895 .....	347
411.	An act to provide for, regulate and protect primaries, primary elections and conventions of political parties in the county of	

# LIST OF LOCAL ACTS.

xix

No.	TITLE.	PAGE.
	Wayne and to punish offenses committed thereat. Approved May 16, 1895.....	348
412.	An act to detach certain territory from the township of Grosse Pointe, in the county of Wayne, in the State of Michigan, and to organize the same into a separate township, to be known as the township of Gratiot in said county. Approved May 16, 1895.....	355
413.	An act to amend an act relative to free schools in the city of Detroit, approved February twenty-fourth, in the year eighteen hundred and sixty-nine, and the subsequent amendments thereto, by adding thereto a section to be known as section twenty-eight. Approved May 16, 1895.....	356
414.	An act to amend section one of chapter three, and sections one, two, three and six of chapter five, and sections one, two and three of chapter six, and sections four, five, eleven, twenty-one and twenty-two of chapter fifteen, and to repeal sections seven, eight and nine and to renumber the following sections of chapter fifteen, and to amend section three of chapter nineteen, and to add one new section to chapter nineteen to be known as section five b, and to amend section six of chapter nineteen, and chapter twenty-two of act number two hundred and ninety-six of the local acts of eighteen hundred and eighty-five, entitled "An act to incorporate the city of Albion," approved March twenty-sixth, eighteen hundred and eighty-five. Approved May 16, 1895.....	356
415.	An act to organize the township of Union, in the county of Grand Traverse, into a single school district, under the unit system. Approved May 16, 1895.....	362
416.	An act to authorize the township of Germfask, in Schoolcraft county, to borrow money to be used in paying outstanding orders of said township and to issue bonds therefor. Approved May 17, 1895.....	366
417.	An act to legalize the action of the board of supervisors of the county of Delta, in the year eighteen hundred eighty-three, instituting and creating a county hospital in said county, and all the proceedings of said board of supervisors relative to the management and maintenance of said hospital. Approved May 17, 1895.....	367
418.	An act to amend sections seventeen and thirty-seven of act number four hundred and twenty-eight of the session laws of eighteen hundred and eighty-seven, entitled "An act to revise and amend act number fifty-three of the session laws of eighteen hundred and fifty-nine, entitled 'An act to incorporate the city of Battle Creek,' approved February third, eighteen hundred and fifty-nine, as revised and amended by the several acts revisionary and amendatory thereof," approved April ninth, eighteen hundred and eighty-seven, approved May ninth, eighteen hundred and eighty-nine, approved May twenty-second, eighteen hundred and ninety-one, and approved March twenty-second, eighteen hundred and ninety-three, and to add one new section to said act of incorporation to stand as section ninety-seven of said act. Approved May 17, 1895.....	368

No.	TITLE.	PAGE.
419.	An act to exempt the county of Marquette from the provisions of act number one hundred forty-nine, session laws of eighteen hundred ninety-three, entitled "An act to provide for a county and township system of roads and to prescribe the powers and duties of the officers having the charge thereof." Approved May 18, 1895 .....	374
420.	An act to amend sections eight, nine and twenty-three of an act entitled "An act to authorize a board of public works in and for the city of Grand Rapids," approved March twenty-second, eighteen hundred seventy-three, as amended by the several acts amendatory thereof. Approved May 18, 1895.....	374
421.	An act to amend section nine of an act entitled "An act to provide for the management of cemeteries owned and to be owned by the city of Grand Rapids," approved May eighteenth, eighteen hundred and eighty-three. Approved May 18, 1895.	376
422.	An act to authorize the board of supervisors of Kent county to fix the compensation of members of committees of said board in certain cases. Approved May 18, 1895.....	377
423.	An act providing for holding caucuses in election precinct number two of L'Anse township, Baraga county. Approved May 18, 1895 .....	378
424.	An act to incorporate the city of Traverse City, in the county of Grand Traverse, and to repeal all acts and parts of acts in conflict therewith. Approved May 18, 1895.....	378
425.	An act to provide for and fix and limit the compensation, and to prescribe the duties of certain officers and employes of the county of Wayne. Approved May 21, 1895.....	479
426.	An act to amend certain sections of act number three hundred and thirteen of the local acts of eighteen hundred and ninety-three, being "An act to incorporate the city of Belding, in the county of Ionia and State of Michigan," approved March twenty-third, eighteen hundred ninety-three. Approved May 21, 1895.....	481
427.	An act to incorporate the city of Sturgis, in the county of St. Joseph. Approved May 21, 1895.....	483
428.	An act to detach the townships of Bear Lake and Resort, and a certain portion of the township of Springvale from the county of Charlevoix, and to attach the same to the county of Emmet, for judicial and municipal purposes. Approved May 22, 1895.....	484
429.	An act to reincorporate the city of Cadillac, to establish a board of public works, a board of fire and police commissioners, to create a recorder's court in said city, to provide for the election and appointment of officers therein, and to repeal act number two hundred sixty-five of the local acts of eighteen hundred and eighty-five, entitled "An act to reincorporate the city of Cadillac and to repeal act number two hundred fifty-four of the session laws of eighteen hundred and seventy-seven, entitled 'An act to incorporate the city of Cadillac and repeal act number three hundred thirty-six of the session laws of eighteen hundred seventy-five;' approved April twenty-two, eighteen hundred seventy-five, and act number three hundred	

# LIST OF LOCAL ACTS.

xxi

No.	TITLE.	PAGE.
	four of the session laws of eighteen hundred seventy-nine, entitled 'An act to amend section one of act number two hundred fifty-four of the session laws of eighteen hundred seventy-seven,' approved March twenty, eighteen hundred seventy-seven, entitled 'An act to incorporate the city of Cadillac and repeal act number three hundred and thirty-six of the session laws of eighteen hundred and seventy-five,' approved April twenty-two, eighteen hundred seventy-five," approved March six, eighteen hundred eighty-five, and all amendments thereto. Approved May 22, 1895 .....	485
430.	An act to authorize the city of Gladstone, in the county of Delta, and State of Michigan, to borrow money and issue the bonds of said city therefor, to be used in paying any judgment that may be rendered against said city in any cause now pending in any United States court. Approved May 22, 1895.....	503
431.	An act to amend act two hundred and thirty-three of the session laws of one thousand eight hundred and sixty-nine, as amended, being an act entitled "An act relative to free schools in the city of Detroit," approved February twenty-fourth, one thousand eight hundred and sixty-nine, by adding to said act a new section to stand as section twenty-seven. Approved May 22, 1895.....	504
432.	An act to authorize the board of supervisors of Bay county to fix the compensation to be paid to members of committees of said board for committee work done by its order. Approved May 22, 1895.....	506
433.	An act for the protection of fish in the Saginaw bay. Approved May 23, 1895.....	506
434.	An act to incorporate the city of Three Rivers, and to repeal act number one hundred and sixty-one of the session laws of eighteen hundred fifty-five, entitled "An act to incorporate the village of Three Rivers," approved February thirteenth, eighteen hundred fifty-five, and all amendments thereto. Approved May 24, 1895.....	507
435.	An act to detach certain territory from the city of Au Sable, in the county of Iosco, State of Michigan, and to attach the same to the township of Au Sable in said county. Approved May 24, 1895.....	590
436.	An act to amend an act entitled "An act supplemental to the charter of the city of Detroit, and relating to parks, boulevards and other public grounds in said city, and to repeal act number three hundred and seventy-four of the local acts of eighteen hundred and seventy-nine, entitled 'An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the city of Detroit and through portions of the townships of Hamtramck, Greenfield and Springwells, in the county of Wayne,' approved May twenty-one, eighteen hundred and seventy-nine," as amended by act number four hundred and fifteen of the local acts of eighteen hundred and ninety-three, approved May twenty-ninth, eighteen hundred and ninety-three, by amending sections six, seven and fourteen thereof, and to add to said act twenty new	

No. -	TITLE.	PAGE.
	sections to stand as sections thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty and fifty-one of said act. Approved May 24, 1895.....	591
437.	An act to amend sections two, five, seven and eleven of act number three hundred eighty-three of the local acts of eighteen hundred ninety-three, entitled "An act to provide for the election of two justices of the peace and for the appointment of a justice clerk in and for the city of Saginaw, and to define their jurisdiction and to fix their compensation; and to abolish and discontinue the five offices of justice of the peace of said city, upon the expiration of the terms of the present incumbents thereof; and to provide for the filing of the files, records and dockets belonging to or appertaining to the offices abolished and discontinued, and for the issuance of executions upon judgments appearing on said dockets, and to repeal all provisions of the charter of the city of Saginaw and of all other acts or parts of acts in any wise contravening the provisions of this act," approved May thirteenth, eighteen hundred ninety-three. Approved May 24, 1895.....	598
438.	An act to authorize the township of Paw Paw, in the county of Van Buren, to borrow money to be used for roads, bridges and avenues of transportation, and to issue bonds therefor. Approved May 24, 1895.....	601
439.	An act to authorize the city of Lansing to vacate a certain portion of Allegan street in the city of Lansing, and use the same for other public purposes. Approved May 24, 1895.....	602
440.	An act to amend the title and section one of act number three hundred seventy-two of the local acts of eighteen hundred ninety-three, entitled "An act to provide for placing on the retired list on reduced pay members of the metropolitan police force of the city of Detroit who shall have become disabled or incapacitated while in the active performance of official duty, and members of said force and persons in the employ of the police board of said city of Detroit, who, after twenty-five years faithful, continuous service, shall have become permanently incapacitated from performing regular active duty," approved May fourth, eighteen hundred ninety-three. Approved May 24, 1895.....	602
441.	An act to authorize the city of Alpena to construct or purchase, own and maintain a system of water works, and to provide means for constructing or purchasing, maintaining and managing the same. Approved May 24, 1895.....	603
442.	An act to reorganize school district number four in the township of Fairgrove, Tuscola county, Michigan, and fractional school district number six of the townships of Fairgrove and Gilford, in said county, and to organize a school district in said township of Fairgrove, to be known and designated as school district number eight of Fairgrove. Approved May 25, 1895....	605
443.	An act to provide for the collection of certain assessments on premises belonging to the Chicago and West Michigan Rail-	



# LIST OF LOCAL ACTS.

xxiii

No.	TITLE.	PAGE.
	way Company, the Detroit, Lansing and Northern Railroad Company, the Lake Shore and Michigan Southern Railway Company, the Grand Rapids and Indiana Railroad Company, the Michigan Central Railroad Company, and the Detroit, Grand Haven and Milwaukee Railway Company, for public improvements in the city of Grand Rapids. Approved May 27, 1895.....	606
444.	An act to amend sections one, two, three, four and six of title two, sections ten and twenty-one of title three; sections three, four, eight, eleven, twelve, thirty-one and thirty-three, and inserting a new section to stand as section thirty-five of title four; section twelve and inserting a new section to stand as section twenty-eight of title five; section ten of title six; section one of title eight, and to add a new title to be numbered eleven, entitled "The board of assessors," of act number two hundred eighty-two of the local acts of eighteen hundred seventy-seven, entitled "An act to revise the charter of the city of Grand Rapids, being amendatory of an act entitled 'An act to incorporate the city of Grand Rapids,' approved April second, eighteen hundred fifty, as amended by the several acts amendatory thereof," approved March twenty-ninth, eighteen hundred seventy-seven. Approved May 27, 1895 .....	607
445.	An act to amend section thirteen of an act to revise the charter of the city of Coldwater, being amendatory of an act entitled "An act to incorporate the city of Coldwater," approved February twenty-eighth, eighteen hundred sixty-one, as amended by the several acts amendatory thereof; and to repeal all the acts and parts of acts inconsistent herewith. Approved May 27, 1895.....	641
446.	An act to provide for the erection and maintenance of shutes or ladders for the passage of fish through the dams across the Flint river and its tributaries in the counties of Saginaw, Genesee and Lapeer; to provide a penalty for violations of the provisions of this act; and to repeal all acts and parts of acts contravening the provisions of this act. Approved May 27, 1895.....	641
447.	An act to legalize and make valid the action of the common council and electors of the city of Eaton Rapids, in voting bonds for the construction of water works and an electric light plant in said city. Approved May 27, 1895.....	643
448.	An act to provide for the appointment of a probate register for the county of Menominee and to prescribe the amount of his compensation and for the payment thereof. Approved May 28, 1895.....	643
449.	An act to prohibit fishing with nets in the bayous or creeks in the counties of Saginaw and Bay. Approved May 28, 1895...	644
450.	An act to amend section two of chapter one, section ten of chapter five, sections twenty-four and twenty-five of chapter seventeen, and section two of chapter twenty-seven of act number three hundred and thirty-seven of the local acts of eighteen hundred and eighty-three, and all acts amendatory thereof, entitled "An act to incorporate the city of Kalamazoo and to repeal an act entitled 'An act to reincorporate the village of	

No.	TITLE.	PAGE.
	Kalamazoo and to repeal all inconsistent acts and parts of acts," approved March fifteenth, eighteen hundred and sixty-one, as amended by the several acts amendatory thereof. Approved May 28, 1895.....	644
451.	An act to constitute the president of the village of Harbor Springs and the mayor of the city of Petoskey <i>ex officio</i> members of the board of supervisors of Emmet county. Approved May 28, 1895.....	653
452.	An act to amend chapter eleven of an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three, by adding a new section thereto to stand as section forty-six. Approved May 28, 1895.....	653
453.	An act to amend sections six, twelve and fifteen of title three; sections fourteen, seventeen, eighteen, forty, forty-two and forty-three of title four; sections three, fifteen and eighteen of title five; sections one and eight of title ten, sections ten and nineteen of title twelve; section five of title thirteen, and section seven of title sixteen of the charter of the city of Lansing, being act number four hundred five of the local acts of eighteen hundred ninety-three, approved May twenty-fifth, eighteen hundred ninety-three. Approved May 28, 1895.....	654
454.	An act to incorporate the city of Sturgis, in the county of St. Joseph. Approved May 31, 1895.....	666
455.	An act to amend sections five, six, seven, eight, nine, twelve, eighteen, twenty-two, twenty-seven, seventy-seven, eighty-one, ninety-five, one hundred, one hundred nineteen and one hundred sixty-one of act number three hundred forty-six of the local acts of eighteen hundred eighty-one, entitled "An act to revise an act to incorporate the city of Bay City," approved March thirtieth, eighteen hundred eighty-one, as amended and revised by the several acts amendatory and revisionary thereof. Approved May 31, 1895.....	667
456.	An act to provide for and authorize proceedings for legally establishing the so called Ox Bow lake drain in the township of Riverton, Mason county, Michigan, and to provide for and authorize the assessment and collection of taxes therefor. Approved June 1, 1895.....	676
457.	An act to provide for and authorize proceedings for legally establishing the so called State road drain in the township of Riverton, Mason county, Michigan, and to provide for and authorize the assessment and collection of taxes therefor. Approved June 1, 1895.....	685
458.	An act to provide for and authorize proceedings for legally establishing the so called Bickford lake drain, in the township of Riverton, Mason county, Michigan, and to provide for and authorize the assessment and collection of taxes therefor. Approved June 1, 1895.....	695
459.	An act to provide for and authorize proceedings for legally establishing the so called St. Mary's lake drain in the township of Riverton, Mason county, Michigan, and to provide for and	

No.	TITLE.	PAGE.
	authorize the assessment and collection of taxes therefor. Approved June 1, 1895.....	704
460.	An act to establish and provide justice's courts in the city of Detroit, and to repeal act number two hundred and eighty of the local acts of eighteen hundred and eighty-three, entitled "An act relative to justice's courts in the city of Detroit," approved April twenty-fifth, eighteen hundred and eighty-three, and all acts amendatory thereof. Approved June 1, 1895 .....	714
461.	An act to amend chapter one of "An act to provide a charter for the city of Detroit," approved June seventh, eighteen hundred eighty-three, as amended by the several acts amendatory thereof, by adding thereto a new section to stand as section eleven. Approved June 1, 1895 .....	720
462.	An act to amend section four of act number three hundred ninety-two of the local acts of eighteen hundred ninety-one, entitled "An act to provide salary of, and for appointment of clerks for, the circuit court commissioners of Wayne county," approved July second, eighteen hundred ninety-one. Approved June 1, 1895.....	721
463.	An act to amend section sixty-one of chapter seven, and section forty-four of chapter eleven, and to add a new section to chapter eleven, and a new section to chapter thirteen of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three, as amended by acts numbered three hundred seventy-four and two hundred ninety-four of the session laws of eighteen hundred ninety-three. Approved June 1, 1895 .....	722
464.	An act to more clearly define nuisances and to provide surer means for their abatement, and to regulate the slaughtering of animals and the maintaining and operating of abattoirs or slaughter houses in the city of Detroit. Approved June 1, 1895 .....	724
465.	An act to revise and amend the charter of the city of Saginaw and to amend section eighteen of title six, and to add a section to be known as section four of title seventeen of act number four hundred fifty-five of the local acts of one thousand eight hundred eighty-nine, entitled "An act to annex the territory embraced within the city of East Saginaw to that of the city of Saginaw, and to consolidate the city of East Saginaw with Saginaw, under the name of the city of Saginaw; to specify and fix the boundaries of the consolidated city; to provide for the assuming and payment of the indebtedness and liabilities of the present cities of East Saginaw and Saginaw, and for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said city of Saginaw as so consolidated, and to repeal all acts inconsistent herewith," as amended by act number two hundred fifty-seven of the local acts of one thousand eight hundred ninety-one, approved March twenty-eighth, one thousand	

No.	TITLE.	PAGE.
	eight hundred ninety-one, and by act number four hundred two of the local acts of one thousand eight hundred ninety-three, approved May twenty-third, one thousand eight hundred ninety-three, and by an act to revise and amend the charter of the city of Saginaw, approved April twenty-fourth, one thousand eight hundred ninety-five. Approved June 1, 1895.....	726
466.	An act to reincorporate the city of North Muskegon in Muskegon county, and to detach certain territory from the town of Laketon in said county and attach the same to said city, and to detach certain territory from the former city of North Muskegon and attach the same to the town of Laketon, and to repeal act number two hundred and fifteen of the local acts of one thousand eight hundred and ninety-one, entitled "An act to incorporate the city of North Muskegon in Muskegon county, and to detach certain territory from Muskegon township in said county and attach the same to said city, and to repeal act number one hundred and fifty-nine of the local acts of one thousand eight hundred and eighty-one, entitled 'An act to incorporate the village of North Muskegon.' " Approved June 1, 1895.....	729
467.	An act to authorize the city of Detroit to take private property for the use and benefit of the public. Approved June 4, 1895	773
468.	An act to amend and revise chapters one and two of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three. Approved June 4, 1895.....	782
469.	An act to reincorporate the city of Muskegon, revise the charter of said city, and repeal all conflicting acts relating thereto. Approved June 4, 1895.....	821

## LOCAL ACTS, 1895.

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[ No. 272. ]

**AN ACT** to authorize the board of supervisors of the county of Bay to transfer money from the contingent fund of said county to the poor fund thereof.

**SECTION 1.** *The People of the State of Michigan enact,* That the board of supervisors of Bay county are hereby authorized to transfer the sum of ten thousand dollars from the contingent fund of said county to the poor fund of said county. Board of supervisors to transfer money from contingent to poor fund.  
This act is ordered to take immediate effect.  
Approved January 17, 1895.

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[ No. 273. ]

**AN ACT** to amend sections four and six of an act entitled "An act to amend an act, entitled 'An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith,' approved June 7, 1883, by adding a new chapter thereto," approved March 18, 1893.

**SECTION 1.** *The People of the State of Michigan enact,* That sections four and six of an act entitled "An act to amend an act, entitled 'An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith,' approved June 7, 1883, by adding a new chapter thereto," approved March 18, 1893, be and the same are hereby amended so as to read as follows: Sections amended.

**SEC. 4.** If the common council shall determine that it is advisable to establish a plant for public lighting, to be owned by the city, it may direct said commissioners to purchase the necessary lands, machinery, wires, poles, lamps, towers, and other apparatus and appliances mentioned in the second section of this chapter, the cost of which shall not exceed eight hundred thousand dollars. And it shall thereupon be the duty of said commissioners, without further approval or confirmation of their contracts by the common council, to carry into Common council may establish a plant for public lighting.  
Duty of commissioners.

effect the authority thereby conferred, and to make the necessary purchase of lands, machinery, engines, tools, lamps, apparatus and appliances, and construct the buildings required, and cause to be constructed or laid all necessary conduits and lines of wire below ground, and to erect and construct all necessary poles, towers, posts, lines of wire above ground, which they shall deem necessary or required according to such system or systems, as they may deem best for the lighting of said city.

Commissioners to have general supervision of any plant established by the city.

Provide as to expenditures for operation and management of plant.

SEC. 6. The said commissioners shall have a general supervision and management of all public lighting, and of any plant established by the city, as herein provided for that purpose, and all employes engaged in or about the construction or operation thereof, and shall make the necessary purchases of fuel, tools, supplies, materials, apparatus and appliances required in the operation and management of said plant, without further approval or confirmation of their contracts by the common council: *Provided*, That the expenditures for the operation and management of said plant shall not exceed in any one year the tax levied for that purpose: *And provided further*, That after the adoption by them of plans and specifications for the erection of any buildings, the board of public works shall have the immediate supervision or superintendence of construction thereof, and also of the laying of conduits in the public streets, and of the necessary excavation, refilling and repaving caused thereby.

This act is ordered to take immediate effect.

Approved January 17, 1895.

[ No. 274. ]

AN ACT to amend an act entitled, "An act relative to justices' courts in the city of Grand Rapids, to reduce the number thereof, and to fix the compensation of such justices, and provide a clerk and offices therefor," being act number three hundred and six of the local acts of eighteen hundred and ninety-three, approved March 22, eighteen hundred and ninety-three, by adding thereto a new section.

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That act number three hundred six of the session laws of eighteen hundred ninety-three, entitled "An act relative to justices' courts in the city of Grand Rapids, to reduce the number thereof, and to fix the compensation of such justices, and provide a clerk and offices therefor, be amended by adding a new section thereto to stand as section thirteen and to read as follows:

SEC. 13. The said justices of the peace of the city of Grand Rapids shall, as against all other justices of the peace of the county of Kent and State of Michigan, have exclusive jurisdic-

tion of all acts and proceedings within their jurisdiction where both of the parties thereto, shall, at the time of the commencement of such action, or proceeding, be residents of said city. They shall also have a like exclusive jurisdiction, as against all other justices of the peace of said county of Kent, where the original cause of action existed in favor of a resident of said city, but has by him been assigned.

This act is ordered to take immediate effect.

Approved January 19, 1895.

When justices of the peace of city of Grand Rapids to have exclusive jurisdiction.

[ No. 275. ]

AN ACT to amend section seven of title sixteen of act number four hundred and five of the laws of eighteen hundred and ninety-three, entitled "An act to reincorporate the city of Lansing, in the county of Ingham, and to repeal all acts and parts of acts in conflict herewith."

SECTION 1. *The People of the State of Michigan enact,* That section seven of title sixteen of act number four hundred and five of the laws of eighteen hundred and ninety-three, entitled "An act to reincorporate the city of Lansing, in the county of Ingham, and to repeal all acts and parts of acts in conflict herewith," approved May twenty-fifth, eighteen hundred and ninety-three, be and the same is hereby amended so as to read as follows:

Section amended and conflicting acts repealed.

SEC. 7. Whenever the said board shall deem the purchase of sites and buildings, the erection of high school buildings in said city, or ward schoolhouses, or other buildings in said city for school purposes, necessary, or shall deem it necessary to raise money by tax or by issuing bonds or other obligations for the purpose of paying, refunding, renewing or reissuing any bonded indebtedness or other obligation of said board, they shall so declare by resolution, and shall determine the sum or sums of money necessary to be raised for such purposes and what portion thereof, if any, shall be raised by tax, and what portion of said sum, if any, shall be borrowed on the bonds or other obligations of said district. The sum to be raised by tax and the interest on all bonds or other obligations issued by said board, together with the principal thereof at maturity, shall be assessed and levied on the real and personal property of said city, and collected and paid over to said board as other school money in said city. For the amount determined to be borrowed the bonds or other obligations of said district shall be issued by said board, executed by the president and clerk thereof, in such denominations, not less than twenty-five dollars, payable at such times and places, and with such interest, not exceeding six per centum per annum, as said board may direct, the money so raised to be applied by said board for the

Board to declare by resolutions sum necessary for purchase of sites and buildings for school purpose.

For paying, refunding or reissuing bonded indebtedness, or other obligations.

How assessed and levied.

Bonds shall be issued by president and clerk.

Provide that resolution shall be approved by school district.

Notice to be given by posting printed copies of resolution, and publishing in newspapers, etc.

Further provide that bonded indebtedness shall not exceed certain sum.

purposes in this section specified: *Provided.* That said resolution shall have been first approved by said school district, such approval to be determined by a majority of the votes cast in said district, at a school meeting of said district called by said board for that purpose, notice whereof shall be given by posting printed copies of said resolution, and notice of the time and place of holding said meeting in at least two public places in each ward of said city for ten days prior to said meeting, and by publishing the same once in one of the newspapers published in the city of Lansing. The presiding officer of said board shall preside at such meeting, and the clerk of said board shall be clerk thereof, and shall keep a record of said meeting. It shall be competent for the voters at such meeting to increase or diminish both or either the amount of tax and bonds specified in said resolution and the resolution as submitted by said board or amended by such meeting shall, when the question is upon the final passage thereof, be voted upon by ballot, either written or printed, or partly written and printed; said ballots to be received and canvassed by two inspectors who shall have been chosen by said board from the members thereof. It is further provided that the bonded indebtedness of said school district shall at no time exceed fifty thousand dollars. Except that said board may execute and issue its promissory notes for any purposes deemed necessary by said board, without the approval of said school district, for sums which shall at no time exceed ten thousand dollars, which shall not be construed to be any part of the bonded indebtedness of said school district.

This act is ordered to take immediate effect.

Approved January 31, 1895.

[ No. 276. ]

AN ACT to authorize the township of Tittabawassee in Saginaw county to borrow twelve thousand dollars on its bonds to build a bridge across the Tittabawassee river.

Township authorized to borrow money and issue bonds.

SECTION 1. *The People of the State of Michigan enact,* That the township of Tittabawassee in the county of Saginaw is hereby authorized to borrow twelve thousand dollars on the bonds of said township to build a bridge across the Tittabawassee river in said township and county in the manner provided in this act, at the point where the old bridge is now located on the section line between sections sixteen (16) and twenty-one (21) in said township of Tittabawassee.

Township board to fix time of payment of bonds.

SEC. 2. The township board of said township shall have power to, and it shall be their duty, to fix the time of payment of said bonds, the same not exceeding the period of fifteen years from the date thereof, and the place of payment; and to fix the rate of interest to be borne by said bonds, not



exceeding six per centum per annum, payable annually; and such bonds shall be signed by the supervisor of said township and countersigned by the township clerk, and shall be negotiated by the treasurer of said township; and the date of the sale thereof shall be indorsed on each of such bonds and signed by said treasurer. The money received from such bonds shall be paid into the township treasury, subject to and to be paid out on the order of the township board aforesaid as provided in this act. The township clerk shall enter upon the book of township records a full description of such bonds, giving their date, number, amount, rate of interest, when payable and when delivered to the treasurer to be negotiated, and shall charge the said treasurer with the amount thereof.

Township treasurer to negotiate bonds.

Money received from sale of bonds to be subject to order of township board. Record of bonds to be kept by township clerk.

SEC. 3. The bonds aforesaid shall not be issued nor said bridge built unless a majority of the electors of said township voting thereon, shall vote therefor at a special township meeting to be held in said township as provided in this section. It shall be the duty of the township clerk of said township to immediately give notice of a special meeting of the said electors, to vote upon said question, by posting written notices of such meeting in five public places in said township at least ten days before the time fixed in said notice for such meeting, stating the time and place when and where the same will be held. The inspectors of election of said township shall be the inspectors of election at such special meeting, and the vote shall be by ballot inscribed "For the bridge loan—Yes" or "For the bridge loan—No," and said inspectors shall canvass such votes, and make duplicate certificates of the result of such vote, signed by them or a majority of them, one of which shall be deposited with the township clerk and the other with the clerk of Saginaw county. The board of registration of said township shall meet at the office of the township clerk at nine o'clock in the forenoon on the Saturday previous to said election and continue in session until four o'clock in the afternoon of said day for the purpose of registering electors whose names are not on the register of electors, and it shall be the duty of the township clerk of said township to give notice of the meeting of said board of registration by posting written notices of such meeting in five public places in said township at least five days before the time fixed in said notice for such meeting, stating the time and place when and where the same will be held.

Majority vote of electors of township required.

Duty of township clerk.

Notice of special meeting.

Form of ballot.

Manner of canvassing votes.

Certificates of result of vote, where deposited.

Time of meeting of board of registration.

Notice of meeting.

SEC. 4. The township board and commissioner of highways of said township, for the time being, shall be special commissioners to have charge of the building of such bridge, and the action of any three of them shall be legal and binding. It shall be their duty as soon as practicable to procure detailed drawings and specifications for such bridge, and to deposit the same with the township clerk in his office subject to inspection, and to advertise in some newspaper printed in said county for sealed proposals for the building of such bridge and furnishing the materials therefor, and to contract therefor with the lowest responsible bidder, who shall give the said township bonds for the performance of his contract satisfactory to said

Who to have charge of building of bridge.

Duties of special commissioners.

Sealed proposals to be advertised for.

Contract to be let to lowest responsible bidder.

special commissioners: *Provided*, Such lowest bid does not exceed the amount that may be lawfully applied to the building of such bridge.

Special commissioners to enter into contract for building of bridge.

SEC. 5. Said special commissioners or any three of them may and it shall be their duty, in behalf of said township, to enter into a contract for the building of said bridge and furnishing the materials therefor and they are hereby authorized to draw their orders upon the said treasurer to pay for such work and materials, as the same shall become due and payable according to the terms of such contract.

Tax.

SEC. 6. It shall be the duty of the supervisor of said township each year, and until such bonds are paid, to include in the sum to be raised in said township for township expenses and to assess upon the taxable property of said township such amount of money as may be required and will be sufficient to pay the interest and principal of such bonds as the same become due and payable.

This act is ordered to take immediate effect.

Approved January 31, 1895.

[ No. 277. ]

AN ACT to amend section one of act number two hundred and thirty-seven of the session laws of eighteen hundred and ninety-three, entitled "An act to incorporate the village of Coloma in the county of Berrien."

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number two hundred and thirty-seven of the session laws of eighteen hundred and ninety-three, entitled "An act to incorporate the village of Coloma, in the county of Berrien," be amended so as to read as follows:

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory in the township of Watervliet and county of Berrien to wit: Commencing at the south bank of the Paw Paw river and on the section line between sections twenty and twenty-one, town three south, range seventeen west, running thence south along said section line and the section line between sections twenty-eight and twenty-nine, to the quarter line in section twenty-nine, thence west along said quarter line two hundred and forty rods, thence north to the south bank of the Paw Paw river, thence following the south bank of the Paw Paw river to place of beginning, be and the same is hereby constituted a village corporate to be known as the village of Coloma.

This act is ordered to take immediate effect.

Approved January 31, 1895.

## [ No. 278. ]

AN ACT to enable the board of supervisors of the county of Houghton to replace and rebuild the bridge belonging to said county, across Portage lake in said county.

SECTION 1. *The People of the State of Michigan enact,* That the board of supervisors of the county of Houghton is hereby authorized and empowered to erect and maintain a bridge across Portage lake to replace the present bridge, or to replace and rebuild the present bridge, or such part or parts thereof as may in their judgment be necessary, and to locate either or both ends thereof at a point or points different from the landing points of the present bridge, not changing the place of the draw as at present it stands, and to expend therefor such sum or sums as shall be necessary, not exceeding sixty thousand dollars, out of any funds in the treasury of the county not otherwise appropriated.

Board of supervisors authorized and empowered to erect and maintain bridge across Portage lake.

This act is given immediate effect.

Approved January 31, 1895.

## [ No. 279. ]

AN ACT to reincorporate the village of Wakefield in the county of Gogebic and to repeal act number three hundred and thirty-five of the local acts of eighteen hundred and ninety-three, entitled "An act to reincorporate the village of Wakefield in the county of Gogebic."

SECTION 1. *The People of the State of Michigan enact,* That all of the territory now forming and being a part of the village of Wakefield in the county of Gogebic and State of Michigan and described as follows, to wit: The north half of section sixteen, and the southwest quarter and the south half of the southeast quarter of section nine, in town forty-seven north, of range forty-five west, in the county of Gogebic and State of Michigan, be and the same is hereby made and constituted a village corporate, by the name, style and title of "The Village of Wakefield." And such of the territory heretofore being in and a part of the said village of Wakefield, not included therein by the terms of this act, shall be and is hereby attached to and made a part of the township of Wakefield.

Territory included in reincorporation of village of Wakefield.

SEC. 2. The officers of said village now in office shall continue in office with the powers and duties conferred respectively upon village officers by the general laws of this State, and acts amendatory thereof, until their successors shall be elected and qualified.

Present officers to continue until close of term.

SEC. 3. All of the ordinances and by-laws of said village of Wakefield that are not in conflict with the general laws of this State relating to the incorporation of villages herein referred

Ordinances to remain in force.

	to, shall be and remain in full force and effect until repealed by the council of the said village.
Time and place of holding first election.	SEC. 4. The first election of village officers under the provisions of this act, shall be held in the town hall in said village at the time and in the manner prescribed for the holding of annual elections in incorporated villages under the general laws of this State, and acts amendatory thereof, the same being the second Monday of March, A. D. eighteen hundred and ninety-five, at which election a full set of officers as provided by said general laws shall be elected; and the legal voters of said village shall be registered before voting as provided by law for the registration of voters in incorporated villages, on the Saturday previous to the time fixed for holding any election under the said general laws. The president and clerk of the present village of Wakefield, and two trustees thereof, to be chosen by the common council of said village, shall constitute the inspectors of said first election, the board of registration and board of election commissioners thereof.
Registration.	
Board of registration, who to constitute.	
Subject to the provision of certain act of re-incorporation.	SEC. 5. The said village of Wakefield is hereby made subject to the provisions of an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, with the amendments thereto, and the said village hereby reincorporated shall possess all the rights and powers, and be subject to all the liabilities and obligations prescribed in said last named act, excepting as herein otherwise provided. Notice of the first election shall be given by the clerk of said village by posting a notice thereof, or publishing the same in some newspaper printed in said village, reciting the officers to be chosen, in three or more public places in said village, at least eight days before such election; such notice, if posted, may be either written or printed.
Notice of first election, how given.	
Act repealed.	SEC. 6. Act number three hundred thirty-five of [the] local acts of eighteen hundred and ninety-three, entitled "An act to reincorporate the village of Wakefield in the county of Gogebic," is hereby repealed. This act is ordered to take immediate effect. Approved February 6, 1895.

## [ No. 280. ]

AN ACT to amend section one of act number two hundred seventy-nine, of the local acts of eighteen hundred ninety-one, entitled "An act to incorporate the village of Water-vliet, in the county of Berrien," approved April ninth, one thousand eight hundred ninety-one.

Section amended.

SECTION 1. *The People of the State of Michigan enact.* That section one, of act number two hundred seventy-nine, of the local acts of eighteen hundred ninety-one, entitled "An act

to incorporate the village of Watervliet, in the county of Berrien," approved April ninth, one thousand eight hundred ninety-one, be and the same is hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact,* Territory incorporated.  
That all that certain territory lying in the township of Watervliet and county of Berrien, and described and bounded as follows, to wit: Commencing at a point on the south line of the highway running due east and west through the center of section twenty-two, two rods south of the northwest corner of the east half of the southeast quarter of section twenty-two, town three south of range seventeen west, thence south along the line between the east and the west halves of the southeast quarter of section twenty-two, and the east and the west halves of the [northeast] southeast quarter of section twenty-seven, to a point forty-five rods south of the north line of section twenty-seven, in said township, thence east and parallel with the north line of said section twenty-seven and section twenty-six to the line between the east half and west half of section twenty-six, thence north along said line and the north and south center line of section twenty-three to the south bank of the Paw Paw river, thence westerly along the south bank of said Paw Paw river to the south side of Mill street, thence westerly along the south line of said street to the place of beginning be, and the same is hereby incorporated and constituted a village by the name of Corporate name. the village of Watervliet.

This act is ordered to take immediate effect.

Approved February 8, 1895.

[ No. 281. ]

AN ACT to repeal act number three hundred and seventy-seven of the local acts of eighteen hundred and ninety-one, entitled "An act to authorize the county of Wayne to borrow money and to issue bonds for the (purposes) purpose of building a public building and to purchase or condemn lands as a site for the same," approved June twenty-fifth, eighteen hundred and ninety-one.

SECTION 1. *The People of the State of Michigan enact,* Act repealed.  
That an act entitled "An act to authorize the county of Wayne to borrow money and to issue bonds for the (purposes) purpose of building a public building and to purchase or condemn lands as a site for the same," approved June twenty-fifth, eighteen hundred and ninety-one, be and the same hereby is repealed.

This act is ordered to take immediate effect.

Approved February 28, 1895.

## [ No. 282. ]

AN ACT to prevent the catching of trout in the Ellis brook in town one north, range seven west, State of Michigan.

Unlawful to catch certain fish in Ellis brook before May 1, 1896.

Penalty for violation.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful to catch any rainbow trout, speckled or brook trout, or grayling, in the Ellis brook, in the township of Assyria, county of Barry, and State of Michigan, before the first day of May, eighteen hundred and ninety-six.

SEC. 2. Any person offending against the provisions of this act shall, on conviction thereof, be liable to a fine of not over one hundred dollars or imprisonment in the county jail not over sixty days to be determined by a court of competent jurisdiction.

This act is ordered to take immediate effect.

Approved February 11, 1895.

## [ No. 283. ]

AN ACT to allow the village of Ontonagon, in the county of Ontonagon and State of Michigan, to borrow money and issue bonds in the sum of twelve thousand dollars, to extend its system of water works and to complete its electric lighting plant.

Authority to borrow money.

SECTION 1. *The People of the State of Michigan enact*, That the village council of the village of Ontonagon, from and after the passage of this act, is hereby authorized and empowered to borrow, on the faith and credit of said village, a sum of money not exceeding twelve thousand dollars for a term not in excess of twenty years from the date of issue, at a rate of interest not exceeding six per cent per annum, payable annually; and to execute the coupon bonds of said village therefor in such form as the said council may, by a two-thirds vote of all the members elect, determine; and to provide for the payment of the same, which bonds shall in no case be disposed of at less than their par value, and shall be payable at such place or places as said council shall direct.

Money borrowed to be applied to extension of system of water works.

SEC. 2. All money borrowed under the provisions of this act shall be applied to the extension of the system of water works and the completion of the electric lighting plant for the use of said village, under such rules and regulations as said council shall prescribe.

Council to provide for payment of money borrowed.

SEC. 3. It shall be the duty of said council to provide by tax upon the taxable property or from any fund it may have and not otherwise appropriated, for the said sum of twelve thousand dollars and interest upon all bonds issued under the authority of this act: *Provided*, That no bonds shall be issued or money borrowed for such purposes until the question shall

be submitted by the council to the electors of the village at any regular annual election, or at a special election called for that purpose; and a two-thirds majority of the electors voting at such election, voting therefor, shall decide.

A two-thirds majority of votes of electors required for authority to issue bonds.

This act is ordered to take immediate effect.

Approved February 13, 1895.

[ No. 284. ]

AN ACT to authorize the school district known as the public schools of the township of Ontonagon to borrow money to be used in the payment of the outstanding indebtedness of said district.

SECTION 1. *The People of the State of Michigan enact,* That the school district known as the public schools of the township of Ontonagon, by its board of education, at any regular, special or adjourned meeting of said board, is hereby authorized and empowered to borrow, on the faith and credit of said district, a sum of money not to exceed ten thousand dollars for a term not exceeding ten years from date of issue, at a rate of interest not exceeding six per cent per annum, payable annually, and to execute the coupon bonds of said public schools of the township of Ontonagon therefor, in such form as said board of education, by a two-thirds vote of all the members elect, shall determine, and to provide for the payment of the same by tax upon said district, which bonds shall in no case be disposed of at less than their par value, and shall be payable at the office of the treasurer of the board of education of said district, or at such place, or places, as said board shall direct.

Board of education authorized to borrow money.

Not to exceed ten thousand dollars.

To execute bonds.

To provide for payment.

SEC. 2. Any money borrowed under the provisions of this act shall be applied by the treasurer of said board to the payment and retiring of the outstanding orders and indebtedness of said district, and the interest due thereon, at the time such bonds shall be issued, and to no other purpose.

Money borrowed under this act to be applied to payment of outstanding orders and indebtedness.

SEC. 3. It shall be the duty of the board of education of said district to provide, by tax upon all the taxable property of said district, for the payment, as the same shall become due, of the principal and interest upon all bonds issued under the authority of this act.

Duty of the board of education.

This act is ordered to take immediate effect.

Approved February 13, 1895.

[ No. 285. ]

AN ACT to detach certain land from the township of Ishpeming in the county of Marquette, and attach the same to the township of Tilden in the said county of Marquette.

Territory detached from township of Ishpeming and attached to township of Tilden.

SECTION 1. *The People of the State of Michigan enact,* That the north half of sections nineteen and twenty, and all of sections seventeen and eighteen, in town forty-seven north, range twenty-seven west, be and the same is hereby detached from the township of Ishpeming, in the county of Marquette, and the same is hereby attached to, and made a part of the township of Tilden in the said county of Marquette.

This act is ordered to take immediate effect.

Approved February 19, 1895.

[ No. 286. ]

AN ACT to detach certain land from the village of Lakeview in the county of Montcalm and attach the same to the township of Cato in the said county of Montcalm.

Territory detached from village of Lakeview and attached to the township of Cato.

SECTION 1. *The People of the State of Michigan enact,* That the west half of section ten, the northwest quarter of section fifteen, the south half of the north half of section sixteen, the south half of the northeast quarter of section seventeen, and the northwest quarter of the northeast quarter of section seventeen, the west half of the east half of section eight, and the northeast quarter of the northeast quarter of section eight, and the north half of the north half of section nine, all in township twelve north of range eight west, in Montcalm county, be and the same hereby is detached from the village of Lakeview in the county of Montcalm, and the same hereby is attached to and made a part of the township of Cato in the said county of Montcalm.

This act is ordered to take immediate effect.

Approved February 19, 1895.

[ No. 287. ]

AN ACT to amend section one of article one of act number three hundred twenty-one of the local acts of the State of Michigan for the year eighteen hundred seventy-five, entitled "An act to incorporate the village of Zeeland, in the county of Ottawa, Michigan, as amended by section one of article one of act number three hundred twenty-nine of the local



acts of the State of Michigan of the year eighteen hundred eighty-three."

SECTION 1. *The People of the State of Michigan enact,* Section amended.  
That section one of article one of act number three hundred twenty-one of the local acts of the State of Michigan of the year eighteen hundred seventy-five, entitled "An act to incorporate the village of Zeeland in the county of Ottawa, Michigan, as amended by section one of article one of act number three hundred twenty-nine, of the local acts of the State of Michigan of the year eighteen hundred eighty-three," be and the same is hereby amended so as to read as follows:

### ARTICLE I.

SECTION 1. That so much of the township of Zeeland in the county of Ottawa and State of Michigan as is embraced in the following described lands, to wit:

Territory included in the village of Zeeland as incorporated.

All of the south half of the northwest quarter of the southwest quarter, and the south half of the southwest quarter, and all of the southwest quarter of the southeast quarter south of the north line of the right of way of the Chicago & West Michigan Railway Company, all in section eighteen, township five north of range fourteen west; also the north half of the northwest quarter, and the northwest quarter of the northeast quarter, and the north seven-tenths of the southwest quarter of the northeast quarter, the north seven-tenths of the southeast quarter of the northwest quarter, and the north half of the southwest quarter of the northwest quarter, all in section nineteen, township five north of range fourteen west; and also so much of the township of Holland in the said county of Ottawa as is embraced in the following described lands, to wit:

The south three-quarters of the east half of the southeast quarter of section thirteen, township five north of range fifteen west, and the north three-quarters of the east half of the northeast quarter in section twenty-four, township five north of range fifteen west, it is hereby constituted a village corporate, known and designated as the village of Zeeland.

This act is ordered to take immediate effect.

Approved February 19, 1895.

[ No. 288. ]

AN ACT to amend section two of chapter two; to repeal section three and amend section four of chapter four, and sections two, three and four of chapter eight, of an act entitled "An act to revise the charter of the city of Negaunee, in Marquette county, being amendatory of an act entitled 'An

act to incorporate the city of Negaunee, in Marquette county,' approved April eleventh, eighteen hundred and seventy-three, and the acts amendatory thereof."

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section two of chapter two, section four of chapter four, and sections two, three and four of chapter eight, of an act entitled "An act to revise the charter of the city of Negaunee, in Marquette county, being amendatory of an act entitled 'An act to incorporate the city of Negaunee, in Marquette county,' approved April eleventh, eighteen hundred and seventy-three, and the acts amendatory thereof," be and the same are hereby amended, so as to read as hereinafter contained. And that section three of chapter four be and the same is hereby repealed.

Section  
repealed.

## CHAPTER II.

Elective officers.

Terms of office.

When officers to  
enter upon their  
duties.

Justice of the  
peace to give  
security.

Recorder, when  
elected and term  
of office.

Supervisor and  
alderman to be  
elected.

SEC. 2. At each annual election to be held in said city after the first annual election, there shall be elected by the electors of the whole city, voting in their respective wards, one mayor, one treasurer, one school inspector, five constables and one justice of the peace. Each of said officers, except the school inspector and justice of the peace, shall hold his office for one year after his election, and until his successor is elected and qualified. Said school inspector shall hold his office for two years after his election, and until his successor is elected and qualified. Said justice of the peace shall hold his office for the period of four years from and after the fourth day of July next following his election. Each of said officers, except said justice of the peace, shall enter upon the duties of his office and file his qualifications, with the recorder of said city, within ten days after his election. Said justice of the peace shall give the security required by law of justices of the peace in townships, which security may be approved by the common council of said city, or by the county clerk of said county of Marquette, and said justice of the peace shall, before entering upon the duties of his office, and on or before the fourth day of July next following his election, file such security and his official oath of office with the county clerk of said county. All justices of the peace elected to fill vacancy shall file their oath of office and security herein named with the county clerk of the county of Marquette within ten days next after their election, and shall thereupon enter upon the duties of their respective offices. There shall also be elected, at the annual election to be held in said city in the year eighteen hundred ninety-five, and every second year thereafter, by the electors thereof, one recorder, to be voted for on the same ticket with the other city officers. Said recorder shall hold his office for two years after his election, and until his successor is elected and qualified. There shall also be elected at each annual election after such first annual election in each ward, by the electors thereof, one supervisor and one alderman to be voted for on the same ticket

with the city officers. Said supervisor shall hold his office for one year, and until his successor is elected and qualified; and said alderman shall hold his office for two years and until his successor is elected and qualified, and they shall each file their oaths of office with the recorder of said city, and enter upon the duties of their office within ten days after their election. The common council of said city shall, after the second Thursday after the annual charter election in each year, appoint one assessor, who shall possess all the powers heretofore granted to the assessor of said city, but he shall not be a member of the common council. He shall hold his office for the term of one year, and until his successor is appointed and qualified.

Term of office of supervisor and alderman.

Assessor to be appointed by council.

Term of office.

#### CHAPTER IV.

SEC. 4. In case any vacancy shall occur in any of the offices in this act declared to be elective or appointive, except justices of the peace, the common council shall fill such vacancy, by the appointment of a suitable person who is an elector, and if appointed for a ward, who is also a resident of the ward for which he shall be appointed, and any officer appointed to fill a vacancy shall hold by virtue of such appointment, until his successor is elected or appointed, as the case may be, and qualified: *Provided*, That if the common council shall deem it expedient, they may call a special election to fill any vacancy occurring in any elective office, except justice of the peace.

Vacancies, how filled.

Proviso.

#### CHAPTER VIII.

SEC. 2. On the second Monday of July, and on the day following, in each year, it shall be the duty of the common council to meet at nine o'clock in the forenoon of said days at the common council rooms, and the said common council, or a majority of the members thereof, when so assembled together as aforesaid, shall constitute a board of review, for the purpose of reviewing the assessment roll of said city, and shall proceed to examine and review the same in accordance with the provisions of the general laws of this State relative to the assessment and collection of taxes. Said board of review shall possess all the powers which are conferred on boards of review of townships by the general law relative to taxation in this State.

Review of assessment roll.

Powers of board of review.

SEC. 3. Said board of review shall also meet at the common council rooms on the third Monday in July, in each year, at eight o'clock in the forenoon, and continue in session during that day and the day following. Such board shall continue in session at least eight hours each day. At the request of any person whose property is assessed thereon, or of his agent, and on sufficient cause being shown, shall correct the assessment as to such property, in such manner as in their judgment, will make the valuation thereof relatively just and equal. To that end said board may examine on oath the persons making such

When board of review to correct assessment.

Statement of  
board of review  
to be attached to  
assessment roll.

Omission of  
endorsement or  
any irregularity  
therein not to  
invalidate as-  
sessment roll.

application, or any other person, touching the matter. Any member of said board may administer such oath. When said board has reviewed and completed the assessment roll, it shall be their duty or the duty of the majority of the members of said board, to attach to said roll signed by them, a statement which may be in such form as the general laws of this State relative to the assessment and collection of taxes shall provide. No omission of such endorsement, or any irregularity therein, shall be held to invalidate said roll. Nor shall any tax assessed upon any property, or sale therefor, in the city of Negaunee, be held invalid by any court of this State, on account of any irregularity in any assessment, or on account of any assessment or tax roll not having been made or proceedings had within the time provided by law, or on account of the property having been assessed without the name of the owner, or on account of any other irregularity, informality or omission, or want of any matter of form or substance in any proceeding that does not prejudice the property rights of the person whose property is taxed. And the same shall be presumed by all courts of this State to be legal until the contrary is affirmatively shown. The same shall be construed and given effect in accordance with the provisions of act number two hundred six of the public acts of eighteen hundred ninety-three, of this State, and any act or acts amendatory thereof, or supplementary thereto, that may be hereafter enacted.

SEC. 4. The members of said board may make such statement from such knowledge as they may possess or can acquire while sitting on said board.

This act is ordered to take immediate effect.

Approved February 19, 1895.

[ No. 289. ]

AN ACT to detach certain lands from the township of St. Ignace, and add and attach the same to the township of Moran, in the county of Mackinac, State of Michigan; and to detach certain lands from the township of Holmes, and add and attach the same to the township of St. Ignace, in said county.

Territory de-  
tached from  
township of St.  
Ignace and add-  
ed to township  
of Moran.

SECTION 1. *The People of the State of Michigan enact,* That sections one, two, eleven, twelve and all of the private claims at St. Ignace, being numbers one to nineteen, inclusive, west of the city limits of the city of St. Ignace, and all of said lands being in town forty north of range four west, be detached from the township of St. Ignace and added and attached to the township of Moran, in the county of Mackinac, State of Michigan; and that the following lands, to wit: Sections one, two, three, four, nine, ten, eleven, twelve, thirteen,

fourteen, fifteen, sixteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, thirty-three, thirty-four, thirty-five and thirty-six in town forty-three north of range three west, and sections one, two, three, four, nine, ten, eleven, twelve, thirteen, fourteen, sixteen, twenty-one, twenty-eight, thirty-three in town forty-two north of range three west, and section four and all of St. Martins Island in town forty-one north of range three west, all being in the township of Holmes, be detached from said township of Holmes and the same be added and attached to said township of St. Ignace, in said county.

This act is ordered to take immediate effect.

Approved February 19, 1895.

[ No. 290. ]

**AN ACT** providing for two voting precincts in the township of Duncan, in the county of Houghton, defining the limits thereof, providing for a new registration of the voters thereof, and determining who shall be inspectors of election and members of the board of registration therein.

**SECTION 1.** *The People of the State of Michigan enact,* That the votes of the township of Duncan, in the county of Houghton, shall be cast in two separate precincts at all general, regular and special elections held therein. Providing for two voting precincts in the township of Duncan.

**SEC. 2.** Ten days notice of such division of the township into two voting precincts shall be published by authority of the inspection boards hereinafter named, by posting written or printed notices of the same as provided by law for such elections. Notice of division into precincts to be given.

**SEC. 3.** The following described territory in said township shall be denominated election precinct number two, to wit: The west half of town forty-eight north of range thirty-five west; the west half of town forty-seven north of range thirty-five west; the east half of town forty-eight north of range thirty-six west; and the east half of town forty-seven north of range thirty-six west. All the remainder of said township of Duncan, as now organized, and not embraced in the territory above described, shall constitute and be denominated election precinct number one. Precinct number two.

**SEC. 4.** The supervisor and two justices of the peace whose term of office shall soonest expire shall constitute the board of inspectors of election of voting precinct number one, and the township clerk and the remaining two justices of the peace shall constitute the board of inspectors of election of voting precinct number two, at the first election to be held in said precincts. Precinct number one.

Where ballots  
shall be cast.

SEC. 5. All electors residing in precinct number two, as thus defined, shall cast their ballots at such place within said precinct as the township board of said township shall determine as the polling place of said precinct number two, which polling place shall be at some convenient point in the village of Sidnaw, in said precinct; and all electors residing in precinct number one, as thus defined, shall cast their ballots at such place within said precinct as the township board shall determine as the polling place of said precinct number one.

Inspectors to  
count votes in  
each precinct  
separately and  
report in joint  
canvass.

SEC. 6. After the polls are closed, the inspectors of election of each precinct shall proceed to count the votes of their respective precincts separately, and after they are so counted and found or made to correspond with the poll list, the two boards shall meet in joint canvass in precinct number one, as soon as may be thereafter, and make a consolidated report for both said precincts, which consolidated report shall be the official canvass of said township.

Official canvass.

Registration.

SEC. 7. There shall be a new registration of all the voters of said township previous to the next annual township meeting held therein, which registration shall be held in each said precincts and be made of the voters in each of said precincts respectively.

Township board  
to provide suit-  
able registers.

SEC. 8. The township board of said township shall provide, at the expense of said township, suitable registers for such registrations for both said precincts, in one of which shall be registered the names of the qualified voters of precinct number one, and in the other the qualified voters of precinct number two, by the respective boards of registration of said precincts in manner provided by law for such registration, and the inspectors of election provided for by section four of this act, shall constitute the board of registration in the said precincts respectively.

Board of regis-  
tration, who  
shall constitute  
the same.

When board  
shall meet for  
registration.

SEC. 9. The boards of registration shall meet at the places fixed by the township board for holding elections in the respective precincts on the two Saturdays next preceding the next township meeting, and thereafter the registration shall be held as provided by law at all general, special, and township elections, in said township. The board of inspectors of election in each precinct shall have and exercise the same power in respect to registering voters on election day, in their respective precincts, as is conferred upon inspectors of election by existing laws, as well as all other powers conferred upon boards of election under the general laws.

Power of board.

This act is ordered to take immediate effect.

Approved February 19, 1895.

## [ No. 291. ]

**AN ACT** to authorize the township of South Arm, in Charlevoix county, Michigan, to borrow money, for use in building road and bridges, and to issue bonds therefor.

**SECTION 1.** *The People of the State of Michigan enact,* That the township of South Arm, in Charlevoix county, be and it is hereby authorized and empowered to borrow on the faith and credit of said township, the sum of fifteen thousand dollars, due at fifteen years from the date of issue, bearing not to exceed five per centum per annum of interest, and to execute the coupon bonds of said township therefor. Authority to borrow money.

**SEC. 2.** Such money shall not be so borrowed, nor such bonds so issued unless a two-thirds majority of the qualified electors of said township, voting at a special election to be called for the purpose of voting on said loan shall so determine. And it is hereby made the duty of the township board of said township to give due notice that the question of issuing said bonds will be voted on at said special election by posting in five public places in said township not less than ten days before said special election, written or printed notices, which notices shall state the date, place and amount of money proposed to be borrowed and the purpose to which it shall be applied. Majority vote at a special election.

**SEC. 3.** The vote upon such proposition shall be by ballot, either printed or written, or partly printed or written. Ballots in favor of such proposition shall be in the following words, "For the loan," and ballots against the loan shall be in the following words, "Against the loan." And it shall be the duty of the township board to provide at the polls of said special election during the whole time that the same shall be open, a sufficient number of ballots, both for and against such proposition printed or written, in the form above indicated, and to furnish the same to all electors desiring to vote thereon. The inspectors of election of said township shall be the inspectors of the special election; and the special election shall be conducted, and the vote canvassed in all respects, as in other special or general elections. Immediately upon the conclusion of such canvass, the inspectors of such election shall make and sign a certificate, showing the whole number of votes cast upon such proposition, and the number for and against respectively. And not later than the third day following such special election said inspectors shall indorse upon said certificate in writing over their hands, the result of such special election, which declaration and certificate shall then forthwith be filed with the clerk of said township, to be preserved by him among the archives of said township. Form of ballot.

**SEC. 4.** The money borrowed under the provisions of this act shall be expended under the direction of the supervisor, clerk and highway commissioner, in making and bridging a road from the village limits of East Jordan village to the boundary line of said township, and the said above named Manner of conducting special election.

Canvass of votes.

Money to be expended in building road and bridges.

officers are authorized to let the contract for making said road with responsible parties and to issue said bonds and place them in escrow against the completion of such contract, but no bonds or moneys so voted to be delivered until such road and bridges are completed according to contract; and no bonds so issued shall be negotiated at less than par value.

Supervisor to  
levy tax.

SEC. 5. In case of the issue of such bonds it shall be the duty of the supervisor of said township to assess and the treasurer of said township to collect in each year thereafter in addition to any taxes now authorized by law to be assessed and collected in said township an amount sufficient to pay all interest upon such bonds accruing and becoming payable thereon, and also of the principal when the same shall become due, and the said interest and principal when due shall be payable by said treasurer on presentation to him of the proper coupons and bonds respectively.

This act is ordered to take immediate effect.

Approved February 19, 1895.

[ No. 292. ]

AN ACT to detach certain territory from the township of Fairhaven, in Huron county, and attach the same to the township of Caseville.

Territory de-  
tached from  
township of  
Fairhaven to  
be attached to  
township of  
Caseville.

SECTION 1. *The People of the State of Michigan enact,* That fractional sections eleven and twelve of township seventeen north of range nine east, in Huron county, shall be and the same are hereby detached from the township of Fairhaven and attached to, and shall hereafter constitute, a part of the township of Caseville, in said county of Huron.

Taxes heretofore  
levied shall con-  
tinue valid.

SEC. 2. All taxes heretofore levied upon the territory affected by this act shall continue valid, and payment thereof may be enforced in the same manner as though this act had not passed.

This act is ordered to take immediate effect.

Approved February 19, 1895.

[ No. 293. ]

AN ACT providing for the examination of warrants or orders issued by the city of Ironwood, in the county of Gogebic, prior to January first, eighteen hundred and ninety-five, and authorizing said city to exchange its certificates of indebtedness for such warrants as may be found to be legal obligations against said city, and for any final judgment rendered against said city by a court of competent jurisdiction within



this State on an obligation against said city existing prior to said date, and to provide for the payment of such certificates.

**SECTION 1.** *The People of the State of Michigan enact,* That it shall be lawful for the city of Ironwood, in the county of Gogebio and State of Michigan, to exchange with the owner and holder of any unpaid valid warrant or warrants issued by said city or its officers, duly authorized, prior to January first, eighteen hundred and ninety-five, in payment of any such warrant or warrants, in the manner and upon the terms herein-after provided, its several certificates of indebtedness, dated at the time of such exchange, bearing interest at a rate to be fixed and approved by the common council of said city, not to exceed six per centum per annum from date until paid, interest payable on the first day of March and September in each year. The amount due on each such warrant so to be exchanged shall be divided into ten equal parts and certificates issued for each of said parts, maturing respectively in one, two, three, four, five, six, seven, eight, nine and ten years from the first day of March, eighteen hundred and ninety-five. Said certificates shall be drawn against and payable from a sinking fund, or for taxes as provided in section two of this act, and not otherwise.

*City of Ironwood, providing for the exchange of its warrants, to bear interest, when and how payable.*

**SEC. 2.** Until said certificates have been fully paid, principal and interest, it is hereby made the duty of the common council and other proper officers of the city of Ironwood, annually to assess and levy, as part of the total amount of taxes to be annually assessed, levied and collected, upon the taxable property in said city, by said common council, or proper officers, a sum of money which shall be sufficient to pay: *First*, the interest accruing during the calendar year next ensuing upon the entire amount of certificates outstanding on the first days of March and September in each year; and, *Second*, A sum of money sufficient to pay that part of said certificates which shall mature upon the first day of March next ensuing. The first assessment and levy shall be made and included in the assessment and levy made or to be made for the year eighteen hundred and ninety-five. The amount thus realized shall be by the city treasurer placed in a fund hereby created to be known as the "Certificate sinking fund," and out of which fund, except as otherwise herein provided, and no other, the interest and principal shall be paid on such certificates upon maturity thereof and presentation to the city treasurer at his office in the said city of Ironwood: *Provided, however,* That any such certificate may be used when matured, or at any time within ninety days prior to its maturity, by the holder thereof, in payment of any taxes due or payable to said city, but in case any such certificate shall be so used within ninety days before its maturity, interest on such certificate shall be computed and allowed only to the time of its being so used; and for such purpose it is hereby made the duty of the city treasurer to accept such matured certificate or certificates which will mature within ninety days, for taxes. The interest on any such certificate shall cease on maturity of such certifi-

*Duty of common council and other officers to assess, levy and collect tax annually to pay maturing indebtedness.*

*Proviso.*

cate, unless payment thereof shall then be demanded and refused, and no interest shall be allowed or paid on any overdue interest.

Mayor to appoint commissioners.

SEC. 3. For the purpose of this act it shall be the duty of the mayor of said city, immediately after this act shall take effect, to appoint three commissioners, subject to confirmation by the common council, who shall be electors and taxpayers within the city of Ironwood; such commissioners, together with the city clerk and city attorney, shall be known as the examining board.

Commissioners appointed under this act shall qualify, and organize as examining board by election of one of their members as president. Office, term of.

SEC. 4. The commissioners appointed under this act shall, within ten days from the date of their appointment, meet and qualify in the same manner as provided by the statutes of this State for the qualification of justices of the peace, and at the time of such qualification they shall organize as such examining board by the election of one of their members to be president thereof. They shall hold their offices for a term not to exceed one year from the date of their qualification, at the expiration of which time, or earlier if the amount represented by certificates issued by said board shall have reached the sum of one hundred and fifty thousand dollars, the privileges and powers hereby created for the exchange of warrants or orders for certificates of indebtedness shall cease and be of no further force or effect.

Salary.

SEC. 5. Said three commissioners shall each be paid by the city of Ironwood the sum of two dollars per day for services actually rendered when in session as a board, and shall receive no other fees, perquisites or compensation.

When board to be in session.

SEC. 6. At the first meeting of said board they shall fix the dates when they will be in session as a board, and may adjourn from day to day or from time to time as the business may require. Notice of the first meeting of said board, stating the time when and place where such meeting shall be held, and requesting all persons holding any warrant or warrants against said city dated prior to January first, eighteen hundred and ninety-five, to submit such warrant or orders to said board for examination, shall be published in the official paper of said city once each week for at least four weeks in succession, and in case there shall be no official paper, then in some paper published in the English language in said city.

Council to provide with office room and record books.

SEC. 7. The common council shall thereupon, and at all times thereafter, during the term of office of said commissioners, provide the said board with suitable office room in the city hall for its meetings and business uses, and supply record books, stationery and other things necessary for the transaction of the public business in charge of said board and provide for the payment in like manner as other accounts against the city, of all necessary and lawful expense incurred by said board.

Board may compel attendance of witnesses to investigate warrants against treasurer.

SEC. 8. Said board may, through its president, or any member thereof, issue subpoenas and compel the attendance of witnesses and the production of books and papers, and shall have the same power to punish for contempt as is now vested in justices of the peace in this State, and the courts held by

them, and shall investigate all warrants produced before it issued or purporting to have been issued by the city of Ironwood or its officers against the treasurer thereof, prior to the first day of January, eighteen hundred and ninety-five, which investigation shall extend to the consideration for which such warrant was issued, the authority for issuing the same and all other matters concerning said warrant, and the title thereto in the hands of the person producing the same.

SEC. 9. The city attorney shall attend all the meetings of the board and be the legal adviser thereof, and said city attorney, or other attorney representing the city, shall examine and cross-examine witnesses on behalf of the city in all matters relating to the purposes for which this board is created.

City attorney to attend meetings of board.

SEC. 10. The city clerk shall be clerk of said board. It shall be his duty to see that the notice provided by section six of this chapter shall be published as therein provided. He shall keep a fair and accurate record of the proceedings of said board, and an accurate and descriptive record of all warrants certified by said board as valid warrants and legal obligations against said city, and the amount of each, and of all warrants which said board refuse to certify and its reasons therefor, and shall keep such record in the office of the city clerk.

City clerk to be clerk of board.

SEC. 11. The city attorney and city clerk shall have no vote in said board.

City attorney and city clerk to have no vote.

SEC. 12. No warrant or order drawn upon the treasurer of said city dated prior to January first, eighteen hundred and ninety-five, shall be paid until the same shall have been first examined and approved by said board, or a judgment rendered by a court of competent jurisdiction within this State requiring payment thereof, but nothing herein contained shall be construed to mean that the holder of any warrant shall be required to exchange the same for the certificates of indebtedness herein provided for.

Warrants on treasurer not to be paid without approval of board.

SEC. 13. Before any such certificate shall be issued the warrant or warrants sought to be exchanged therefor shall be submitted for examination and certification to the board herein provided for, who shall endorse upon each warrant presented to it, which after full and careful examination it may decide is a valid warrant or a legitimate obligation against the city of Ironwood, a certificate as follows: "In our opinion this is a valid obligation against the city of Ironwood for the sum of ——— dollars," inserting the amount for which such board concedes such warrant a valid claim, which certificate, before it shall act as authority for the issuance of any certificate in exchange for any warrant or warrants shall be signed by at least a majority of said board, and in case said certificate is not signed by all of said board it shall, in addition, state the reason why, namely, that one of said commissioners is absent or does not concur, and in case any commissioner is of opinion such warrant is not valid or a legitimate obligation against said city for the amount thereby claimed, he shall, within twenty-four hours after such certificate is so signed by a majority of said board, file with the city clerk, in writing, a statement of his

Certificate may issue when warrant certified by board.

reasons for such opinion. And thereupon it shall be the duty of the city clerk to forthwith submit a copy of such opinion to the city attorney, and it shall be the duty of said attorney to immediately examine fully the facts and circumstances connected with such warrant and the authority for the issuance thereof, and within twenty-four hours after the submission to said attorney of said commissioner's opinion, or as soon thereafter as practicable, he shall return said opinion to the city clerk, together with his own in writing, stating whether or not certificates should be issued by the city of Ironwood in exchange for such warrant, and until said city attorney's opinion has been submitted to the mayor and clerk of said city, it shall be unlawful to issue any certificate in exchange for such warrant, and if in the opinion of said city attorney and of said dissenting commissioner no certificate should be issued for such warrant, it shall be unlawful to issue any therefor.

Certificates may be issued on delivery of warrant.

SEC. 14. Upon delivery to the city clerk of any such warrant or warrants approved and duly certified by said board, or by two of said board and the city attorney, in case one of said commissioners objects to approving such warrant or warrants, the mayor and clerk of said city may thereupon issue certificates of indebtedness of said city for the amount so certified by said board, payable out of the sinking fund hereinbefore provided for, or for taxes due or payable to said city as provided in section two, and only upon the terms hereinbefore named, and shall thereupon cancel said warrant or warrants and file the same with the city clerk.

Certificates may issue for payment of judgment.

SEC. 15. Upon proper certification to the city clerk of any final judgment rendered by a court of competent jurisdiction against said city on an obligation existing prior to January first, eighteen hundred and ninety-five, the mayor and city clerk of said city may issue in payment of such judgment the certificates of indebtedness in this act provided for, but only upon the same terms, time and conditions herein provided for the issuance of certificates of indebtedness in exchange for warrants.

Limit of amount.

SEC. 16. The total amount represented by the certificates of indebtedness which may be issued by said board under this act shall not exceed the sum of one hundred and fifty thousand dollars.

This act a public act.

SEC. 17. This act shall be deemed a public act and shall be favorably construed in all courts and places.

This act is ordered to take immediate effect.

Approved February 19, 1895.

[ No. 294. ]

AN ACT to fix the term of office of the treasurer of the county of Wayne.

Term of county treasurer in Wayne county.

SECTION 1. *The People of the State of Michigan enact,* That hereafter the term of office of the treasurer of the county

of Wayne shall begin on the first day of July next succeeding his election, and continue for the term of two years from said first day of July: *Provided*, That the term of the present incumbent of the office shall end on the thirtieth day of June, eighteen hundred ninety-seven.

This act is ordered to take immediate effect.

Approved March 15, 1895.

[ No. 295. ]

AN ACT authorizing the supervisors of Wayne county to hold a special meeting in February or March, in the year one thousand eight hundred and ninety-five, and at such meeting to consider and determine the necessity of purchasing a site for buildings for a court house and for county offices, and for other needful purposes of said county, and for a jail and sheriff's residence, and of erecting suitable buildings therefor; and to provide for submitting the question of raising by loan upon the bonds of said county such sum of money as they may deem necessary therefor to the vote of the electors of said county; and providing for notice of such special meeting of said supervisors, and the mode of submitting the question of said loan to the vote of the electors of said county.

SECTION 1. *The People of the State of Michigan enact*, That a special meeting of the board of supervisors of the county of Wayne may be held in the month of February or March in the year one thousand eight hundred and ninety-five, at which meeting they shall have power to consider and determine the necessity of purchasing a site for buildings for a court house and for county offices, and for other needful purposes of said county, and for a jail and sheriff's residence, and the erection of suitable buildings for such purposes; and to determine what sums of money will be needed therefor, and in what manner the same shall be provided, but such site shall not be selected by said board prior to the month of May in the year one thousand eight hundred and ninety-five.

Special meeting of the board of supervisors to be held in Wayne county, time and purposes of.

SEC. 2. The said special meeting shall be held when requested by at least one-third of the supervisors of said county; which request shall be in writing addressed to the county clerk, and specifying the time and place of such meeting; and upon the reception of such request the clerk shall immediately give notice of such meeting, in writing, to each of the supervisors, by causing the same to be delivered to such supervisor personally, or by leaving the same at the place of residence of such supervisor, or by depositing the same in the

Meetings to be held on request of the supervisors.

County clerk to give notice.

mails, postage prepaid, addressed to such supervisor at his place of residence, at least six (6) days before the time of such meeting.

If board shall determine it necessary to raise money on bonds, question to be submitted to voters.

Notice to be posted and published in newspapers.

SEC. 3. If the said board of supervisors shall determine that it is necessary to raise any sum for said purposes by loan upon the bonds of said county, they shall then provide for submitting the question of raising said sum by loan for said purposes to the vote of the electors of said county, at the time of the holding of the next annual township meeting; and they shall thereupon cause notice thereof to be posted up in three public places in each township, and in each ward of any city in said county, at least ten days previous to the time fixed for the submission aforesaid, and shall cause the same to be published in at least two daily newspapers printed in said county, for at least ten successive days previous to the time of such submission and vote, setting forth the sum proposed to be raised by loan, and stating the day when such question will be submitted to the electors of said county, in the several townships and cities, or wards of said county. The votes shall be taken, canvassed, certified and returned in the same manner as required by the nineteenth section of chapter seventeen of Howell's annotated statutes of the State of Michigan, except that the substance of such question shall be clearly indicated upon the ballot, and below the same upon the ballot shall be placed in separate lines the words "Yes" and "No." The elector shall designate his vote by a cross mark (X) placed opposite the word "Yes," or the word "No."

What ballot shall indicate.

Compensation of board.

SEC. 4. The said supervisors shall receive such compensation and mileage as are provided by law for other special meetings of said board.

This act is ordered to take immediate effect.

Approved February 20, 1895.

[ No. 296. ]

AN ACT to protect fish and to regulate fishing in the waters of Green bay within the county of Menominee, by prohibiting the use of seines, pound nets, gill nets, and other fixed or set nets with meshes below certain sizes, and to regulate the use of such nets and provide a penalty for the violation of such law.

Size of meshes to be used in pound nets.

SECTION 1. *The People of the State of Michigan enact,* That the meshes of the parts of pound or trap nets commonly called the "lead," used for fishing in the waters of Green bay, within the county of Menominee, shall be not less than four inches in extension. The part commonly called the "heart" shall be not less than three inches in extension, and the meshes of the parts of said net commonly called [the] "pot, crib, funnel, or pocket" shall be not less than two inches in extension.

sion. No pound, trap or other fixed or set net of whatever name or description shall be used in said waters the meshes of which are less in size than permitted by this section.

SEC. 2. The meshes of gill nets shall be not less than four and one quarter inches in extension. No gill net shall be used in said waters, the mesh of which is less than provided in this section. The measurement of mesh referred to in this act shall be construed to refer to the size as manufactured: *Provided*, That gill nets of not less than two and one-fourth inches in extension may be used for taking perch, herring, black fins and long jaws, in said waters, but this exception shall not be construed to permit the capture of other fish.

Size of meshes to be used in gill nets.

SEC. 3. No person shall be allowed to catch whitefish or lake trout in said waters, less than twelve inches in length: *Provided*, That any person engaged in fishing with trap or gill nets may catch or have in their possession, not to exceed fifteen pounds of whitefish and lake trout, at any one time, less than twelve inches in length.

Size of whitefish and lake trout which may be caught.

SEC. 4. The meshes of seines shall not be less than three and one-half inches in extension. No seine shall be used in said waters the mesh of which is less than is provided in this section.

Size of meshes of seines.

SEC. 5. No seine shall be used in said waters, except to be drawn upon shore or to a dock to which one rope of the net is fastened. The use of seines and every species of drag net by drifting or towing with boats is prohibited in all of said waters. Pound nets shall be so set that the bars forming the meshes shall be in straight lines and running at an angle of forty-five degrees to the horizon.

All seines to be fastened to shore.

Pound nets to be set at angle of 45 degrees.

SEC. 6. Any person who shall be found guilty of a violation of any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars and not more than one hundred dollars, together with costs of prosecution, and in default of the payment shall be confined in the county jail until such fine and costs shall have been paid, but such confinement shall not exceed thirty days.

Penalty.

SEC. 7. This act shall apply and be operative in the waters of Green bay, within the county of Menominee, and all acts and parts of acts inconsistent with the provisions of this act shall be inoperative in said waters.

Act operative in Green bay.

This act is ordered to take immediate effect.

Approved March 20, 1895.

[ No. 297. ]

AN ACT to authorize the village of Mackinaw City in the counties of Cheboygan and Emmet, to borrow money for the purpose of building a public dock and approaches thereto.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the village of Mackinaw City, in the counties of Cheboygan and Emmet, shall be and is hereby

Village authorized to borrow money and issue bonds.

authorized and empowered to borrow money on the faith and credit of said village and issue bonds therefor to an amount not exceeding six thousand dollars, which sum or so much thereof as shall be necessary shall be expended for the building of a public dock and approaches thereto, in said village of Mackinaw City: *Provided*, That two-thirds of the electors of said village, voting at an election to be called in compliance with the provisions of this act, shall vote in favor of such loans in the manner specified in this act and not otherwise.

Proviso.

Question of raising money to be submitted to electors.

SEC. 2. The question of raising said money by loan shall be submitted by the common council of said village to the electors thereof at a general or special election, and the votes shall be taken as near as may be in accordance with the provision of an act entitled "An act to reincorporate the village of Mackinaw City," in the counties of Cheboygan and Emmet, approved April tenth, eighteen hundred and eighty-three, and all acts amendatory thereto. The common council shall have power to order a special election when it may by said common council be deemed necessary to carry out the provisions of this act, and the proceedings had at such special election shall be the same as at general elections held within said village, excepting that those electors voting for said loan shall have written, or printed, or partly printed or partly written, on their ballots the words, "For the loan," and those voting against the loan, shall have written or printed, or partly written or partly printed, on their ballots the words, "Against the loan."

Common council may order a special election.

Form of ballot.

A two-thirds vote to carry.

SEC. 3. If such loan shall be authorized by two-thirds of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times with such rates of interest not exceeding six per cent per annum, as the said common council shall direct, and shall be signed by the president of said village and countersigned by the clerk of said village and negotiated by or under the direction of said common council, and the money arising therefrom shall be appropriated in such manner as said common council shall determine for the purpose aforesaid, and the said common council shall have power and it shall be their duty to raise by tax upon the taxable property of the village such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due.

Council to raise by tax sums sufficient to pay bonds.

This act is ordered to take immediate effect.

Approved March 1, 1895.



## [ No. 298. ]

AN ACT to amend act number three hundred and seven of the local acts of eighteen hundred and eighty-five, entitled "An act to revise and amend the charter of the city of West Bay City, and to repeal all acts and parts of acts in conflict therewith," approved April first, eighteen hundred and eighty-five, as amended and revised by the several acts amendatory and revisionary thereof, by amending section nine of title three, sections eleven and seventeen of title thirteen, sections twelve and seventeen of title sixteen, and to add one new section to title sixteen to stand and be designated as section twenty.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.  
That section nine of title three, sections eleven and seventeen of title thirteen, sections twelve and seventeen of title sixteen, and to add one new section to title sixteen to stand and be designated as section twenty, of act number three hundred and seven, entitled "An act to revise and amend the charter of the city of West Bay City, and to repeal all acts and parts of acts in conflict therewith," approved April first, eighteen hundred and eighty-five, as amended and revised by the several acts amendatory and revisionary thereof, be and the same are hereby amended so as to read as hereinafter set forth Sections repealed.

## TITLE III.

SEC. 9. At the first annual charter election after the passage of this act, and at each annual charter election thereafter, there shall be elected one alderman in each ward of said city, by the electors voting in their several wards, who shall hold his office for two years. There shall also be elected annually in each ward, by the electors thereof, one supervisor, one constable, and three inspectors of election, each of whom shall hold his office for one year. Each of said supervisors shall be the supervisor of the ward for which he is elected, with all the power of supervisors of townships in this State, and subject, in all respects, to the provisions of law regulating the duties of township supervisors, except as herein otherwise provided. At the first annual charter election after the passage of this act, there shall be elected on the city ticket, by the qualified electors of said city, one comptroller and one treasurer, each of whom shall hold his office for two years; and at every second annual charter election thereafter, unless a vacancy should sooner occur, there shall be elected a comptroller and treasurer who shall each hold his office for two years. At the annual charter election in the year eighteen hundred and ninety-six, there shall also be elected on the general city ticket, by the qualified electors of said city, one mayor and one recorder, each of whom shall hold his office for the term of two years; and at every second annual charter election thereafter,

Alderman, when elected and term of office.

Supervisor, constable, inspectors of election.

Comptroller and treasurer, term of office.

Mayor and recorder, term of office.

unless a vacancy should sooner occur, there shall be elected a mayor and a recorder, who shall each hold his office for the term of two years; and each of said officers shall hold his office until his successor is elected and qualified: *Provided, however,* That all persons now holding offices in said city shall continue to hold their several offices for the remainder of their unexpired terms, except as herein otherwise provided for school officers. The treasurer may appoint a deputy to act during the pleasure of said treasurer, who shall have all the powers and perform all the duties of treasurer of said city while he so acts as such deputy; his compensation to be paid by the said treasurer, and the said city shall not be liable for the services or compensation of such deputy: *Provided, however,* That the said treasurer shall be ineligible to re-election for more than two successive terms under this act.

*Treasurer ineligible for re-election for more than two successive terms.*

*Proviso.*

### TITLE XIII.

**SEC. 11.** The comptroller shall each year make a copy of the city assessment roll as approved by the board of review of said city, which copy shall be used and known as the "county tax roll," which said county tax roll he shall present to the board of supervisors of Bay county at their annual meeting in the month of October; which said county tax roll shall be and constitute the assessment roll for State and county taxes in said city, and the same shall be conclusively presumed, by all tribunals, to be valid and to have been made according to law. It shall be the duty of the clerk of the board of supervisors to deliver to the comptroller of said city the certificate of taxes directed to be levied in said city by the board of supervisors of Bay county, at the annual session in each year, pursuant to law; and said comptroller shall thereupon assess and levy the same upon said county tax roll.

*County tax roll.*

*Comptroller to deliver to board of supervisors.*

*Duty of clerk of board of supervisors.*

*Duty of comptroller.*

**SEC. 17.** The money collected by the treasurer upon the city tax roll as school taxes, shall be applied to fill the school fund; the moneys collected as district sewer tax, shall be applied to fill the district sewer fund; the moneys collected as city special improvement tax, shall be applied to fill the sinking fund, as provided in section twenty of title twelve; the other city taxes collected shall be applied ratably to fill the contingent, and highway and other city funds.

*School, city and district sewer funds.*

### TITLE XVI.

**SEC. 12.** Said board shall have power, and it shall be their duty annually on or before the first Monday in June in each year, to determine by a majority vote of all the members thereof, which said vote shall be entered in the records of their proceedings, the amount of money necessary to be raised by tax upon the property of said district to defray the expenses of the schools of said district for the current year, and the

*Estimate of amount of tax to be raised.*

*Record of.*

amount of money necessary to pay the interest and principal of any debt due in each year for such district; also the amount of money necessary to purchase sites for school buildings, and to build or repair any schoolhouse in said district, and certify the same to the comptroller of West Bay City, and the comptroller shall cause the said amounts of money so voted to be assessed upon the taxable property of said city in the next general city tax roll; the comptroller shall have the same power and discharge the same duties, as to the assessment of said school taxes, that are or may be conferred or imposed by law upon him in relation to the general taxes of West Bay City: *Provided*, That the amount which may be raised by tax in any one year for the expense of schools of said districts, exclusive of such sums of money as may be required to pay the principal and interest of the bonded debt of said district, shall not exceed the sum of two per cent on the assessed valuation of said district, according to the last preceding assessment roll of the city.

Amounts of money voted to be assessed on taxable property.

Provide as to amount of tax to be raised in any one year.

SEC. 17. All school taxes which may be levied and assessed within said city shall be set forth in the city tax roll in a separate column from all the other taxes, and designated as school tax.

School tax.

SEC. 20. The city treasurer shall retain from the tax roll when he makes return to the county treasurer, pursuant to law, a sum sufficient to fill any deficiency in the amount collected for school purposes. But in case any sum is retained from the State and county taxes it shall not exceed the total delinquent school tax returned to the county treasurer.

Amount to be retained on making return to county treasurer.

This act is ordered to take immediate effect.

Approved March 1, 1895.

[ No. 299. ]

AN ACT to provide for selecting and drawing jurors for the circuit court for the county of Bay.

SECTION 1. *The People of the State of Michigan enact*, That the Governor of this State shall appoint a board of jury commissioners for Bay county, to consist of three qualified electors of said county. Said commissioners shall receive as compensation for their services three dollars per day for each day actually engaged in the performance of their duties, not to exceed twenty-five dollars in any one year, payable from the treasury of the county of Bay; their official term shall begin on the first day of April after their appointment, and they shall hold their office for the term of four years. Vacancies may be filled by the Governor from time to time as they may occur. Said commissioners shall, before entering upon the duties of their office, take and subscribe the oath of office, and file the same with the clerk of said county.

Appointment of board of jury commissioners.

Compensation.

Term of office.

Vacancies.

Oath of office.

Annual meeting.	SEC. 2. Said commissioners shall meet annually on the second Monday of April of each year at ten o'clock in the forenoon at the office of the treasurer of said county, and at such meeting it shall be the duty of such board or a majority of the members thereof, in case all do not meet, to select from the assessment rolls of the cities and townships of said county for the preceding year a list of names of persons qualified to serve as jurors by the general laws of this State in courts of record, and file such lists in the office of the clerk of said county. The persons whose names shall be so returned shall serve as such jurors for one year and until other lists shall be returned and filed by said commissioners.
Selection of names of jurors.	
Number of names to be selected.	SEC. 3. Such lists shall contain not less than one name for every four hundred inhabitants of each township or ward in said county, according to the last preceding census, and at least one name from any township or ward in said county containing less than four hundred inhabitants according to such census, but the whole number of names selected in any one year shall not exceed five hundred, and such lists shall be used in drawing petit jurors for the terms of said court for each succeeding year, ending on the second Monday of April, instead of the list now required by law, to be returned by the assessors and supervisors of the townships and wards in said county.
To be used in drawing petit jurors.	
List of persons to serve as grand jurors.	SEC. 4. Said commissioners shall also make a list of the persons to serve as grand jurors from the roll of said townships and wards, which shall not contain any name returned upon the petit jury list, and shall contain at least one hundred names; and in making such list they shall select, as near as may be, a proportionate number from each township and ward.
General laws to govern.	SEC. 5. In selecting and returning such lists, said board shall be governed by the general laws of this State not inconsistent herewith.
County clerk to file lists in his office.	SEC. 6. On receiving such lists the county clerk shall file the same in his office, and shall write down the names contained therein on separate pieces of paper of the same size and appearance, as near as may be, and shall fold up each of said pieces of paper so as to conceal the names thereon, and he shall make two separate packages for each township and for each ward in the cities of said county, one package for the names of the grand jurors and one for the names of the petit jurors, upon each of which packages he shall indorse the name of the township or ward, in any city in which the persons whose names are contained in such package reside, and also endorse the words, "grand jurors" and "petit jurors," respectively, on such packages containing the names of the same. He shall place in the package marked "grand jurors" all the names appearing upon the list returned as grand jurors, and in the package marked "petit jurors" all the names returned upon the list marked petit jurors, from the township or ward represented by the names endorsed upon such package, and he shall number each package in numerical order commencing with number one. The drawing of jurors for service in said court shall be conducted in the manner provided by the gen-
To divide names into two packages.	
One for petit, one for grand jurors.	
Manner of drawing jurors.	

eral statutes now, or at any time in force, regulating the drawing of jurors in courts of record. All names once drawn shall, in case the person so drawn shall serve as a jurymen, be destroyed, so that the same person shall not be required to serve as a jurymen more than one term of said court in any one year.

SEC. 7. In case the commissioners fail to meet and make said lists at the time prescribed by this act, or in case any list of jurors shall become exhausted or be declared illegal before the year for which they are drawn has expired, it shall be competent for the judge of said circuit court to direct said commissioners to meet and make new lists of jurors for the balance of the year.

On failure of commissioners to select, judge may order new list.

SEC. 8. The judge of said court may, at any time, either prior to or during the terms of said court, whenever he shall deem it necessary for the proper transaction of the business of the county, by an order under his hand, direct such additional number of jurors as he shall deem necessary to be drawn. Such order shall be filed by the clerk of the county, who shall thereupon draw the number specified in such order, in addition to the number otherwise required by law, and shall proceed therein in all respects in the same manner as herein provided for drawing jurors.

Judge may order extra jurors drawn.

SEC. 9. In drawing jurors from the box a list shall be made by the clerk of the names drawn in the order in which they shall be drawn, and in cases pending in said court at any term thereof, if the judge thereof shall be of the opinion that the number of jurors drawn and in attendance is greater than is longer required for the business of the term, he may reduce the number to twenty-four by discharging the excess above that number. Those to be discharged shall be discharged in the inverse order in which they shall have been drawn.

Judge may reduce number of jurors drawn.

SEC. 10. Grand jurors, when required, shall be drawn in the manner herein provided for drawing petit jurors.

Drawing of grand jurors.

SEC. 11. All other proceedings in the drawing of jurors in Bay county not herein provided for, shall be governed by the general laws of the State.

General laws to govern.

This act is ordered to take immediate effect.

Approved March 1, 1895.

[ No. 300. ]

AN ACT to authorize the township of Lincoln in the county of Arenac, State of Michigan, to borrow money and issue bonds therefor, for the purpose of providing public lighting, the construction of water works and for public buildings for the use of said township.

SECTION 1. *The People of the State of Michigan enact,* That the township board of the township of Lincoln, county

Township authorized to borrow money and issue bonds.

Amount of loan. of Arenac, State of Michigan, be and are hereby authorized and empowered to borrow money on the faith and credit of said township of Lincoln, and to issue bonds therefor, to an amount not exceeding ten thousand dollars, pledging the faith and credit of said township of Lincoln for the payment of the principal and interest of the same, which money shall be expended for public lighting, the construction of water works and for public buildings for the use of said township of Lincoln: *Provided*, That a majority of the qualified electors of the said township of Lincoln voting at a regular or special election in said township shall vote in favor of such loan.

A majority vote of electors required.

Bonds and interest.

SEC. 2. If such loan shall be authorized by a majority of such electors, said bonds shall be issued in such sums not exceeding the amount hereinbefore limited, and payable at a time or times not exceeding twenty years, with such rates of interest not exceeding seven per cent per annum as the township board may direct, and shall be signed by the supervisor and countersigned by the clerk of said township and negotiated by or under the direction of said township board; and the money arising therefrom shall be appropriated in such manner as the said township board shall determine for the purpose hereinbefore specified; and the said township board shall have power and it shall be their duty to raise by tax upon the taxable property of said township such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due and payable. Said bonds shall not be negotiated at less than par value.

Township board to levy tax for payment of bonds.

Form of ballot.

SEC. 3. The vote upon such proposition shall be by ballot, either written or printed, or partly written and partly printed, and shall be in the following form: "In regard to the question of borrowing the sum of ten thousand dollars for public improvements:"

Yes.

No.



Those voting in favor of said loan shall mark a cross in the square opposite the word "yes," and those voting against said loan shall mark a cross in the square opposite the word "no," and it shall be the duty of the township board to provide at the polls of such election, during the entire time the same shall be open, a sufficient number of ballots, printed or written, in the form indicated, and to furnish the same to all electors desiring to vote thereon. The election shall be conducted and the notice thereof given and the votes canvassed in all respects as in other township elections. Immediately upon the conclusion of such canvass the inspectors of election shall make and sign a certificate, showing the whole number of votes cast upon such proposition, and the number for and against respectively, and not later than the third day following such election said inspectors shall endorse upon said certificate the declaration in writing over their hands of the result of said election, which said declaration and certificate shall then forthwith be filed with the clerk of said township, and a copy thereof shall be filed with the clerk of Arenac county.

Manner of conducting election.

Certificate of election.

**SEC. 4.** The clerk shall keep an accurate record of said bonds, showing the class of indebtedness to which they belong, the number, date and amount and where payable, and the person to whom it was issued. The proceeds of said bonds shall be paid to the township treasurer and be credited to the "public improvement fund," and be applied exclusively to the purpose for which said fund is constituted as above.

This act is ordered to take immediate effect.

Approved March 1, 1895.

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[ No. 301. ]

**AN ACT** authorizing and empowering the board of supervisors of the county of Berrien to appropriate all or any portion of the general fund of such county derived from the liquor tax for the years eighteen hundred ninety-five and eighteen hundred ninety-six to the purpose of furnishing the lighting and heating fixtures and furniture for the new county buildings about to be erected in said county.

**SECTION 1.** *The People of the State of Michigan enact,* That the board of supervisors of the county of Berrien are hereby authorized and empowered to appropriate and use so much of the general fund of such county as may be derived by such county from the liquor tax for the years eighteen hundred ninety-five and eighteen hundred ninety-six as they may deem advisable to the purpose of procuring and placing the lighting and heating fixtures and furniture in and for the new county buildings about to be erected in said county.

Board of supervisors authorized to appropriate money derived from liquor tax.

This act is ordered to take immediate effect.

Approved March 1, 1895.

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[ No. 302. ]

**AN ACT** to legalize and make valid certain bonds issued by the village of Bad Axe, Huron county, Michigan.

**SECTION 1.** *The People of the State of Michigan enact,* That the action of the village of Bad Axe, in the county of Huron and State of Michigan, and the action of the village council and other village officers thereof in issuing the bonds of said village for the construction of water works in said village aggregating the sum of sixteen thousand dollars in denominations of one thousand dollars each bearing date the fifteenth day of June, eighteen hundred ninety-four, due after the expiration of twenty years after the date thereof, bearing interest at

To legalize certain bonds issued.

the rate of five per cent per annum, payable semi-annually, the issue of which said bonds was authorized by a vote of more than two-thirds of the qualified electors of said village of Bad Axe, voting at an election duly called and held on the thirteenth day of June, eighteen hundred ninety-three, together with all acts of the Legislature of the State of Michigan relating to said issue of bonds be and the same are hereby ratified, confirmed and legalized with like force and effect as if said village had at the time of the issue of said bonds due, full and legal authority to issue the same, and that the said bonds shall be held to be and are hereby made valid and binding obligations of said village of Bad Axe.

This act is ordered to take immediate effect.

Approved March 1, 1895.

[ No. 303. ]

AN ACT to amend act four hundred fourteen of the local acts of eighteen hundred ninety-three, entitled "An act to revise and amend act one hundred thirty-four of the session laws of eighteen hundred fifty-nine, entitled 'An act to incorporate the city of Niles,' " approved February twelfth, eighteen hundred fifty-nine, as revised and amended by the several acts revisionary and amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact,* That section thirty, thirty-one, thirty-two and ninety-five of act four hundred fourteen of the local acts of eighteen hundred ninety-three, being an act entitled "An act to revise and amend act one hundred thirty-four of the session laws of eighteen hundred fifty-nine, entitled 'An act to incorporate the city of Niles,' " approved February twelfth, eighteen hundred fifty-nine, as revised and amended by the several acts revisionary and amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith, be amended so as to read as follows:

Power of com-  
mon council.

SEC. 30. The common council shall have power and authority to levy and collect such amount of taxes on all real and personal property within the limits of said city as they may deem necessary to defray the expenses thereof not to exceed one and one-half per cent on the valuation thereof, exclusive of the cost of collecting the same in any one year, and shall have power and authority at any time previous to the collection of the city tax for any one year to borrow a sum not exceeding one-third of the amount of taxes levied for city purposes that year, and to pledge the faith and credit of the city therefor, but they shall have no power and authority to levy, assess or collect any additional tax the same year, nor to contract debts, incur liabilities or make expenditures in any one year which shall exceed the revenue for the same year unless

May borrow not  
to exceed cer-  
tain sum.

Unless author-  
ized to by major-  
ity vote of free-  
holding electors.



authorized so to do by a majority of votes of the freeholding electors of said city at a public meeting thereof, called and conducted as hereinafter provided. Such meeting may be called by the common council by a resolution appointing a time and place in said city for holding the same, and setting forth the purpose of the proposed expenditure, the amount proposed to be raised, and whether by tax or loan. Such resolution shall be passed and published in one of the newspapers of the city, and copies thereof posted in five of the most public places in each ward of the city, at least fourteen days before the meeting at which the vote is to be taken. The mayor of the city, or in his absence the recorder, shall preside at such meeting and none but freeholding electors of the city shall be allowed to vote. Whenever authorized by a majority vote of freeholders meeting, called and conducted as aforesaid, it shall be lawful for the common council to levy, assess and collect such additional tax, and to borrow on the faith and credit of said city such sums of money as may be determined at such meeting, and for that purpose to issue the bonds of the city, signed by the mayor and countersigned by the recorder, in such form as the common council may direct, and payable at such time and bearing such interest, not exceeding the rate of six per cent per annum, as the common council may determine. Such bonds when authorized and executed as aforesaid, may be sold by direction of the common council, but not below their par value: *Provided*, That not more than two such meetings may be called in any one year, the second of which shall be called only by a vote of three-fourths of the members elect of the common council. The amount that may be voted or raised in any year by a vote of the freeholders aforesaid shall not exceed three per cent of the assessed valuation of the property in the city, as shown by the last preceding tax roll made therein.

How meeting may be called, what to set forth.

Resolutions to be published and posted.

Who to preside.

Bonds to be signed by mayor and countersigned by recorder.

Interest not to exceed six per cent.

Provide.

Amount raised not to exceed three per cent of assessed valuation.

SEC. 31. It shall be the duty of the common council on or before the first day of June in each year to cause estimates to be made of all the expenditures, which will be required to be made from the funds of the city during the year next ensuing, and to specify by ordinance or resolution the amount of taxes which they may deem it necessary to levy, to defray such expenditures.

Council to cause estimates of expenditures to be made.

SEC. 32. Upon the passage of such resolution or ordinance, the recorder and the supervisors shall apportion the taxes to be levied between the several tax paying districts of the city. The recorder shall immediately after the said apportionment make out two certificates showing the amounts apportioned to each tax paying district for the various city purposes, one of which he shall deliver to the city treasurer, and the other to the supervisor of the proper taxing district. He shall also, in and by such certificate, further certify to them any special assessments to be levied or reassessed, or any taxes to be levied pursuant to the action of any freeholders meeting as provided in a preceding section. Each supervisor shall proceed to assess and spread upon the city assessment roll for his district

Recorder and supervisors to apportion tax to be levied.

Supervisors to spread on city assessment roll.

Provided.

Taxes when assessed shall become a debt to the city, after July 1st shall be a lien.

Roll to be footed.

Refusal or neglect to pay tax, treasurer authorized to levy and sell goods.

Council shall have power to purchase or construct electric light plant.

Power to purchase and hold in name of the city real estate or property for such works or plant.

May provide material and construct.

the taxes so apportioned to that district according and in proportion to the valuation entered by the board of review in the assessment roll for the city for that year. For the purpose of avoiding fractions in excess in such taxes the supervisor may add to the several assessments to be raised not more than one per cent within the limitations in this act of the total amount that may be raised; such excess shall belong to the contingent funds of the city: *Provided*, That in the assessing of such taxes the said supervisors shall have power and it shall be their duty to discriminate between land used solely for agricultural purposes and land used for houses, commerce, manufacturing or other urban purposes. The taxes thus assessed shall become at once a debt to the city from the persons to whom they are assessed, and the amounts assessed on any real property shall, on the first day of July, become a lien upon such real property, and the lien for such amounts, and for all interests and charges thereon, shall continue until payment thereof. And all personal taxes shall also be a lien on all personal property of such persons so assessed from and after the first day of July in each year, and shall take precedence of any sale, assignment of, or a chattel mortgage, levy or lien on such personal property executed or made, after such first day of July, except where such property is sold in the regular course of trade. Before the supervisor shall deliver such roll to the city treasurer he shall carefully foot up the taxes levied therein, and shall give to the recorder a statement thereof, and the recorder shall immediately charge the amount of such taxes to the city treasurer. Each supervisor shall, on or before the first day of July, deliver such assessment roll with the taxes assessed as hereinbefore provided to the city treasurer, and shall annex thereto a warrant signed by him commanding the treasurer to collect from the several persons named in said roll the several sums opposite their respective names on or before the first day of September following, and it shall authorize the treasurer, in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of his goods and chattels.

SEC. 95. If the common council at any time shall decide to purchase or construct an electric light plant, or works for the purpose of lighting the streets, public buildings and grounds of said city, and furnish commercial light and power, they shall have the power to purchase, take and hold in the name of the city, such real estate and property as shall be necessary for such works or plant, and afford necessary room for the construction thereof, and the appurtenances and all structures, erections, and appliances necessary in connection therewith, and to construct thereon an electric light plant or works. And the common council may provide materials and construct such works, or any part thereof, or if they shall deem it better for the interests of the city to have the work done and the things needed for the same, or any part thereof, supplied by contracts effected under biddings called out by advertisement they shall proceed to advertise for bids in such manner as to the said common council shall seem best,

and to let the doing of the work, including the finding of all things to be found by the contractor, to the lowest responsible bidder, who shall give adequate security for the performance thereof under the supervision and direction of said common council: *Provided, however,* That in case of any bidding, as aforesaid, when the common council shall be satisfied that collusion has existed between bidders, or between bidders and others, or that any other practices have occurred against the interest of the city, or that a present levy is not advisable, it shall be competent for the common council to cancel the order for bids, and no such cancellation shall bring any liability upon the city or upon the common council, or that said common council may, for the purpose aforesaid, in their discretion, if they shall deem it for the best interest of the city, purchase an electric light works or plant, already built and constructed, if they shall have an opportunity to do so; and in case said common council shall either construct or purchase any such electric light plant, they shall have authority to operate the same for such public and commercial purposes, and shall have power to fix rates for such lighting, and power and authority to collect the same, in an action in assumpsit, in the name of the city, in any court of competent jurisdiction, and all moneys received therefrom shall be paid in to and credited to the city expense fund, and shall make such rules and regulations, by ordinance or otherwise, as may be necessary to give effect to this act.

*Provided.*  
In case of collusion between bidders.

May purchase plant already built if deemed for best interest of city.

This act is ordered to take immediate effect.

Approved March 5, 1895.

[ No. 304. ]

AN ACT to amend act number two hundred and thirty-three of the laws of Michigan, approved February seventh, eighteen hundred and sixty-seven, and entitled "An act to establish and organize school district number thirteen in the township of Oshtemo, county of Kalamazoo and State of Michigan."

SECTION 1. *The People of the State of Michigan enact,* That act number two hundred and thirty-three of the laws of Michigan of eighteen hundred and sixty-seven, entitled "An act to establish and organize school district number thirteen in the township of Oshtemo, county of Kalamazoo and State of Michigan," approved February seventh, eighteen hundred and sixty-seven, be amended so as to read as follows:

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That all the following described land and territory, to wit: The south sixteen acres of the west half of the southwest quarter of section number fourteen, and the northwest quarter of the northwest quarter of section number twenty-three, and

Territory detached from school district No. 13 and attached to district No. 3.

the north six and one-quarter acres of the east five-eighths of the east half of the northeast quarter of section twenty-two, all in township number two, south of range twelve west, in the township of Oshtemo, in Kalamazoo county, State of Michigan, which land and territory is now embraced in what is known as school district number thirteen in said township of Oshtemo, be and the same is hereby detached from said school district number thirteen and annexed to said school district number three, and that from this time henceforth said school district number three be so enlarged as to embrace the above described lands and territory, and that the said school district number thirteen be so diminished as to exclude said above described lands and territory, the same as if said school district number three had originally embraced said lands and territory, and the same had not been embraced in said school district number thirteen.

This act is ordered to take immediate effect.

Approved March 5, 1895.

[ No. 305. ]

AN ACT to amend sections one, two and three of chapter two of act number three hundred twenty-six of the local acts of eighteen hundred eighty-three, entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," as amended by the several acts amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections one, two and three of chapter two of act number three hundred twenty-six of the local acts of eighteen hundred eighty-three, entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," as amended by the several acts amendatory thereof, be and the same are hereby amended so as to read as follows:

Of whom city  
board of regis-  
tration com-  
posed.

District boards.

SECTION 1. The district boards of registration in the city of Detroit shall be composed of the aldermen of the several wards in said city and a sufficient number of other resident electors in each voting district, so that such board shall consist of three members each, to be appointed by the common council of said city, and the city board of registration of said city shall be composed of the chairmen of the several district boards of registration.

Meetings of  
board of regis-  
tration.

SEC. 2. In the year one thousand eight hundred eighty-four, and every fourth year thereafter, and in all other years in which a registration is provided or is necessary, the board of registration shall begin its sessions for the purpose of making a registration of the qualified electors of each ward and

election district of said city on the second Wednesday preceding the November election: *Provided, however,* That in the year one thousand eight hundred ninety-five there shall be a registration of the qualified electors of said city, and the board of registration shall begin its session for the purpose of making a registration of the qualified electors of each ward and election district of said city, on the second Wednesday preceding the April or spring election, so that the days of registration in such years of re-registration shall be four, of which the second Saturday preceding the election shall be the last. The board of aldermen shall at least ten days before the said meeting of said district boards cause a notice to be published in one and not to exceed four newspapers printed and published in said city, that the district boards of registration will meet on the days designated to make a perfect list, as near as may be, of all persons residing in such ward or district, qualified as electors under the constitution, and designating the place in the district of each ward where said board will meet for that purpose, and they shall also cause hand bills to be posted in at least five conspicuous places in each district of each ward, containing a similar notice of the time and place of each meeting of the board for that district, which notice shall also contain a true copy of section one of article seven of the constitution, relative to the qualification of an elector. All sessions of the boards of registration shall be from half past seven o'clock a. m. to nine o'clock p. m., standard time, continuously each day, and said boards shall be provided with the proper blank books for registering the names of the voters of the forms heretofore used, and shall have the same powers and perform the same duties as are conferred upon or required of boards of registration under the laws of the State, and the same rules and requirements shall be observed in such registration in all respects as are required by said laws: *Provided,* That said board or any member thereof shall not at any time write in the register the name of any person as an elector without a request made by such person in the presence of said board at the time and place of registration. When such registration shall be completed, the former registry of electors in such wards or districts shall henceforth be deemed invalid and shall not be used at the ensuing elections, and no person shall vote at any public election in said wards or districts after such re-registration whose name shall not be registered anew under the provisions of this section, except such persons as were absent from the city or sick during the entire sessions of said district board, and who shall then qualify according to law.

Notice of meeting.

Durations of sessions of board.

Books for.

Powers and duties of board.

When registration completed, former registry invalid.

Re-registration necessary to entitle to vote.

SEC. 3. On the second Thursday, Friday and Saturday next preceding the general election, and on the second Friday and Saturday next preceding the annual city elections of the city of Detroit, in every year other than that for which a re-registration of voters is provided for, and not afterwards, and on the second Friday and Saturday next preceding the spring elections, except the year eighteen hundred ninety-five, the

Meetings of district boards of registration.

district boards of registration of said city shall be in session in their respective districts, at such places as shall be designated by the board of aldermen, from ten o'clock in the forenoon to eight o'clock in the afternoon of each of said days, without intermission. The common council shall cause like notice of such sessions to be given as is provided in the preceding section. At the sessions of said district boards, provided for in this section, they shall review and complete the list of qualified voters as provided by law; and in order to prevent, so far as possible, the blotting, mutilation, or disfigurement of said registration of electors, it is enacted that no name shall be entered in said registers excepting in the handwriting of one of the board of registration, and then only by direction of the proper board during its session; and no member of said board shall write or make any entry in said register excepting the same be permitted by law, and no other person shall make any entry or mark whatever therein, excepting inspectors of election, as provided by this act, and such other persons as may be authorized by the laws of the United States or of the State of Michigan: *Provided*, That any elector desiring to enter his name in his own handwriting, may do so, if the board shall have decided that such elector is entitled to be registered; but when any person shall have ceased to be an elector of any ward or election district, the board of registration of such ward or district, at its session, may note the fact in red ink across the name of said elector, in addition to the marks provided to be set opposite his name by law. No name shall be entered in said registers except upon the personal application at the time and place of registration, of an elector desiring his name to be registered, and upon due examination made as required by law.

**Notice of.** The district board of registration in each ward and district shall require each applicant for registration to state whether he has previously been registered in or resided in any other ward or district. Each board shall make a separate list of the new registrations made at their sessions, particularly specifying in such lists those who have previously resided or been registered in any other ward or district, noting the previous place of residence of such person, and shall deliver such separate lists to the city board of registration at its session hereafter provided to be held.

**Proceedings of district boards, by whom entries to be made.**

**Proviso.**

**What names to be entered.**

**What applicant to state.**

This act is ordered to take immediate effect.

Approved March 5, 1895.

## [ No. 306. ]

AN ACT to detach certain territory from school district number three of the township of Emmett, county of St. Clair, State of Michigan, and attach the same to school district number eight, fractional, of the townships of Mussey, Lynn and Brockway.

SECTION 1. *The People of the State of Michigan enact,* That the northwest quarter of section six, town seven north, range fourteen east, being situated in the township of Emmett and county of St. Clair and State of Michigan, and belonging to school district number three of Emmett, be and is hereby detached from said district number three of Emmett, and the same be and is hereby attached to school district number eight, fractional, of Mussey, Lynn and Brockway townships, for all school purposes.

Territory detached from district No. 3 of township of Emmett and attached to district No. 8 fr'l of township of Mussey.

This act is ordered to take immediate effect.

Approved March 6, 1895.

## [ No. 307. ]

AN ACT to amend the charter of the city of Bessemer in the county of Gogebic, being act number two hundred and sixty-three of the local acts of the year eighteen hundred ninety-three, entitled "An act extending the corporate limits of and providing a special charter for the city of Bessemer in the county of Gogebic."

SECTION 1. *The People of the State of Michigan enact,* That section five of chapter five of the special charter of the city of Bessemer, in the county of Gogebic, being act number two hundred and sixty-three of the local acts of the year eighteen hundred ninety-three, entitled "An act extending the corporate limits of and providing a special charter for the city of Bessemer, in the county of Gogebic," be and is hereby amended so that the same shall read as follows, viz.:

Section amended.

SEC. 5. Appointments to office by the council, except appointments to fill vacancies, shall be made on the third Monday of April in each year, but appointments which for any cause shall not be made on that day, may be made at any subsequent meeting of the council.

Time of appointment.

SEC. 2. That section seven of the said charter be and is hereby amended so that the same shall read as follows, viz.:

Section amended.

SEC. 7. The mayor, city treasurer, supervisors, constables and inspectors of election shall hold their office for the term of one year from and after the third Monday of April next succeeding their election and until their successors are qualified and enter upon the duties of their office. All appointive officers, other than school inspectors, shall hold their office

Term of office of elective officers.

Appointive.

Justices.	during the pleasure of the council and may be removed at any time by a two-thirds vote of all the aldermen elect. Justices of the peace shall hold their offices for the term of four years from the fourth day of July next after their election. The
School inspectors, terms of office of.	elective school inspectors of said city shall hold their offices for the term of three years from the first Monday of May next after their election, and the terms of office of the said school inspectors shall be so arranged that but one inspector shall be elected annually. The terms of office of school inspectors appointed by the council shall be so arranged that but one school inspector shall be appointed annually, who shall hold his office for the term of three years from the first Monday of May next ensuing his appointment; and until his successor shall be duly qualified and enters upon the duties of his office.
Section amended.	SEC. 3. That section two of chapter eighteen of said charter, relative to the auditing of the accounts of city officers, be and is hereby amended so that the same shall read as follows, viz. :
Who to constitute board of auditors, term of office, etc.	SEC. 2. The board of auditors of said city shall consist of three resident qualified electors of said city, who shall hold their offices for the term of three years and until their successors are qualified and enter upon the discharge of their duties. For the fiscal year ending the first Monday of May, eighteen hundred ninety-three, said board of auditors shall consist of such persons as the council shall designate and appoint. On the first Monday of May, eighteen hundred ninety-three, the council of said city shall appoint a board of auditors as herein provided, one of whom shall hold his office for the term of one year, one of whom shall hold his office for the term of two years, and one of whom shall hold his office for the term of three years from the first Monday of May thereafter. On the third Monday of April in each year thereafter the council shall appoint one person as auditor who shall hold his office for the term of three years from and after the first Monday of May next ensuing his appointment and until his successor is duly appointed and qualified.
Council to appoint, when.	SEC. 4. That sections three and ten of chapter thirty-four of the charter of said city, relative to the assessment and collection of taxes be and are hereby amended so that the same shall read as follows. viz. :
Sections amended.	SEC. 3. The board of review of said city shall consist of the city assessor and the supervisors of the several wards of said city and the city attorney. They shall meet at the council room on the third Monday of June in each year and so many days thereafter as may be necessary not exceeding three days in all. They shall meet at nine o'clock in the forenoon of said day or days, and shall continue in session at least six hours per day, and said board or a majority of them shall constitute a board of review for the purpose of reviewing the assessment roll of said city. They shall have authority as such board to equalize, alter and correct any assessment or valuation on said roll, to take from the said roll any property wrongfully thereon, and to assess thereon any property in said city omitted there-
Board of review, who to constitute.	
Meeting.	
Powers.	



from. The concurrence of a majority of the members of the said board present at such meeting shall decide all questions as to the alteration or correction of any assessment. Said board shall have and exercise all the powers and authority of the supervisors of townships in reviewing township valuations and assessments. Notice of the time and place of meeting of said board of review shall be given by the city clerk by the publication of such notice in a newspaper in said city, at least one week prior to the time fixed therefor. When said assessment roll has been reviewed and completed, the said board of review, or a majority of them, shall attach thereto a certificate signed by them in the following form, viz.: "Assessment roll of the city of Bessemer for the year 18—, as approved by the board of review." Upon the completion of said roll, it shall be delivered by the said board to the city clerk and shall be deemed conclusive as to the true value of all property assessed therein, unless appealed from in the manner now or hereafter provided for by the general laws of this State.

Publication of  
notice of time  
of meeting.

Certificate.

Form of.

City clerk to  
have charge of  
roll.

SEC. 10. All taxes levied in said roll shall be and remain a lien upon the lands and property against which they are levied until paid.

Taxes to be a  
lien.

SEC. 5. That chapter thirty-five of the said charter relative to fires and fire department be and is hereby amended so that the same shall read as follows, viz.:

Chapter  
amended.

SECTION 1. The council of said city shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom, and for this purpose to establish and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employes, firemen and officers thereof; and for the care and management of the engines, apparatus, property and buildings pertaining to the department.

Ordinance for  
fire protection.

May maintain  
fire department.

SEC. 2. The council may purchase and provide suitable fire engines and apparatus for the extinguishment of fires, and make all necessary provisions for a convenient supply of water for the use of the department.

May purchase  
fire apparatus,  
etc.

SEC. 3. The council may also provide or erect all necessary buildings for keeping the engines, carriages, teams and fire apparatus of the department.

Buildings.

SEC. 4. Such officer as may be prescribed by ordinance or resolution of the council shall be the chief of the fire department and subject to the direction of the mayor and the regulations of the council, shall have the supervision and direction of the department and care and management of the fire engines, apparatus and property.

Chief.

SEC. 5. The chief of the fire department, the mayor, chief of police or any alderman of said city, may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall willfully disobey any such lawful requirement or other law.

Certain officers  
may command  
aid from by-  
standers at a  
fire.  
Arrest for  
disobedience.

ful order of any such officer, the officer giving the order may arrest, or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished; and in addition thereto, he shall be punished in such manner as may be prescribed by the ordinances of the city.

**Fire wardens.** SEC. 6. The council may provide by ordinance for the appointment of, and may appoint such number of fire wardens as may be deemed necessary; and for the examination by them from time to time of the stoves, furnaces and heating apparatus and devices in all dwellings, buildings and structures within the city; and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe with respect to fire, to be put in a safe condition.

**Duties.**

**Fire limits.** SEC. 7. The council may prescribe by ordinance from time to time, limits or districts, within which wooden buildings and structures shall not be erected, placed or enlarged, and to direct the manner of constructing buildings within such districts, with respect to protection against fire, and the material of which the outer walls and roofs shall be constructed.

**May prohibit in any districts any trade or shops.** SEC. 8. The council may also prohibit within such places or districts as they shall deem expedient, the location of shops, the prosecution of any trade or business, the keeping of lumber yards and the storing of lumber, wood or other easily inflammable materials in open places, when in the opinion of the council the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils and other combustible and explosive substances, and the use of lights in buildings; and, generally, may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

**Explosives.**

**What buildings a nuisance.** SEC. 9. Every building or structure which may be erected, placed, enlarged or kept in violation of any ordinance or regulation lawfully made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.

**Compensation of firemen.** SEC. 10. The officers, firemen and employes of the department shall receive such compensation as the council may prescribe, and during their term of service shall be exempt from [serving] service on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person or property, in consequence of the performance of his duty at the fire.

**Destruction of buildings to stop progress of fire.** SEC. 11. The chief in charge of the department at the fire, with the concurrence of the mayor or any three aldermen, may cause any building to be pulled down or destroyed, when deemed necessary in order to arrest the progress of the fire, and no action shall be maintained against any person or against the city therefor; but if any person having an interest in the building shall apply to the council, within three months after the fire, for damages or compensation for such building, the council may, in their discretion, pay him such compensation as may be just. They may ascertain such damages by agreement with the owner, or by the appraisal of a jury, to be

**Compensation for same.**

selected in the same manner as in the case of juries to appraise damages for taking private property for public use, and the council may cause the amount of any damages determined upon to be defrayed by a special assessment upon the property of the city, but no damages shall be paid for the amount of any loss which would probably have occurred to such building if it had not been pulled down or destroyed. Damages.

All acts or parts of acts and provisions of said charter inconsistent herewith, are hereby repealed. Acts repealed.

SEC. 6. That sections numbered five, seven and eight of chapter thirty of said charter, relative to the "Appropriation of Private Property," be and the same are hereby repealed. Sections repealed.

SEC. 7. Section four of said chapter thirty of said charter be and is hereby amended so that the same shall read as follows, viz. : Section amended.

SEC. 4. Said summons shall be served by the sheriff of said county or his deputy at least five days before the return day thereof. If the respondent, or any of them, to be found in the county, it shall be served by exhibiting to each of them the original summons and delivering a copy thereof, but if the respondents or any of them cannot be found in the county, it shall be served by leaving a copy at their respective residences, if any they have, within the county, with some person of suitable age and discretion, and service upon all other respondents or persons, shall be made by publishing a copy of said summons in one of the newspapers in said city at least eight days before the return day thereof named in said summons, and by posting a copy of said advertisement in some conspicuous place upon each of the parcels of land proposed to be taken and named in said petition, at least one week before the return day named in said summons. Affidavits showing due publication of said summons, and that the posting of said notices and the return of the sheriff thereto, shall be filed with the clerk of said court before the jury shall be impaneled. Service of summons.  
Affidavits of service.

SEC. 8. That section nine of said chapter thirty of said charter shall hereafter be numbered and known as section five of said chapter, and that the same be and is hereby amended so it shall read as follows, viz. : Section amended.

SEC. 5. On the return day of said summons or on some other day to which said proceedings shall be adjourned, if no sufficient cause be shown to the contrary, the court shall make an order that a jury be impaneled in said cause. The said jury shall be composed of disinterested freeholders of said county, to be empaneled as follows: The sheriff, or some deputy sheriff of the county, shall make a list of twenty-four disinterested freeholders of the said county, and the city attorney on the one hand and the respondents collectively on the other, shall have the right to each strike six names from said list of jurors, the parties striking alternately, and after such names are stricken from said list the remaining twelve persons named therein shall compose a jury, and shall be summoned to attend by a venire issued by the clerk of said court, which said venire shall be served by the sheriff of said county or his Manner of empanelling jury.

deputy. If the respondents fail to attend or shall refuse to strike the six names from said list, it shall be done by the circuit judge, or by the clerk of said court under his direction, and in case any of the said persons so summoned shall not attend or shall be excused for any cause, or peremptorily challenged or otherwise, talesmen having the necessary qualifications shall be summoned by the sheriff or his deputy until a qualified jury is obtained.

Sections renumbered.

SEC. 9. That sections numbered ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three, respectively, of said chapter thirty of said charter, be and the same are hereby renumbered, and shall be known and numbered hereafter as sections six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty, respectively, of chapter thirty of said charter.

All acts or parts of acts and provisions of said charter inconsistent herewith are hereby repealed.

This act is ordered to take immediate effect.

Approved March 6, 1895.

[ No. 308. ]

AN ACT to provide for a board of review of assessment in the city of Iron Mountain, in the county of Dickinson, and to repeal act number two hundred and seventy-three of the local acts of eighteen hundred and ninety-one, being an act entitled "An act to provide for a board of review of assessment in the city of Iron Mountain, in the county of Menominee."

Supervisors and assessor to constitute board of review.

SECTION 1. *The People of the State of Michigan enact,* That the supervisors of the several wards of the city of Iron Mountain, in the county of Dickinson, and the assessor of said city, shall constitute a board of review of assessment in said city.

Act repealed.

SEC. 2. That act number two hundred and seventy-three of the local acts of eighteen hundred and ninety-one, being an act entitled "An act to provide for a board of review of assessment in the city of Iron Mountain, in the county of Menominee," be and the same is hereby repealed.

This act is ordered to take immediate effect.

Approved March 6, 1895.

[ No. 309. ]

## AN ACT to incorporate the village of Frazer in the county of Macomb.

SECTION 1. *The People of the State of Michigan enact,* Territory incorporated.  
 That all that tract of country situated in the county of Macomb and State of Michigan, and designated as follows: Bounded on the north by the quarter section line next north of the town line between the townships of Erin and Clinton, in the county of Macomb, and on the south by the Canfield road; on the east by a line commencing at the Canfield road and running northerly along the west line of the land of Charles Steffens, and continuing, crossing the Grand Trunk railroad and the township line dividing the townships of Erin and Clinton in a direct line until it reaches the quarter section line first north of the township line, and on the west by a parallel line to said last mentioned line, commencing at the Canfield road and running northerly to the quarter section line next north of the township line, between the said townships of Erin and Clinton, and enclosing a square piece of territory one and one-quarter mile north and south, and one mile east and west, all in the townships of Erin and Clinton in said county, be and the same is hereby incorporated, made and constituted a village by the name of the village of Frazer.

SEC. 2. The inhabitants of said village shall be and continue a body corporate and politic, to be known and distinguished by the name and title of the village of Frazer. A body corporate.

SEC. 3. The first election of officers for said village shall be held on the first Monday in April, eighteen hundred and ninety-five, at the office of Charles Steffens in the township of Erin in said village. First election.

SEC. 4. Leonard Schneider, Charles Steffens, Fred Grover and Charles Klein are hereby constituted a board of registration and election for the purpose of registering voters for the first election to be held in said village, and of acting as inspectors of election at said first election, and said board of registration is hereby directed to meet on the Saturday preceding the said first Monday in April at the office of Charles Steffens in the township of Erin and register the names of all persons, residents of said village, presenting themselves for registration and having the qualification of voters under the constitution of this State. Board of registration, who to constitute.

SEC. 5. Notice of said first election of officers of said village shall be posted in three of the most public places in said village, at least five days before the date of said election, which notice may be signed by any five electors in said village. Notice to be posted.

SEC. 6. The said village of Frazer shall in all things not herein otherwise provided, be governed by an act entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved To be governed by general law.

February twentieth, one thousand eight hundred and ninety-five.

When election  
may be held at  
other time than  
specified.

SEC. 7. In case the officers for said village are not elected at the time designated in section three of this act, an election for such officers may be held at any time within one year from the time designated in said section, notice thereof being given as provided in section four of this act.

This act is ordered to take immediate effect.

Approved March 5, 1895.

[ No. 310. ]

AN ACT to amend act number four hundred and eight of session laws of eighteen hundred and seventy-one, being an act entitled "An act to organize the union school district of the township of Rogers, as amended by act approved June sixteenth, eighteen hundred and eighty-five.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact,* That act number four hundred and eight of session laws of eighteen hundred and seventy-one, entitled "An act to organize the union school district of the township of Rogers," as amended by act approved June sixteenth, eighteen hundred and eighty-five, be amended in sections one and three, and that the sections so amended shall read as follows:

Territory  
incorporated.

SECTION 1. That township thirty-five north of range five east, and township thirty-six north of range four and five east, which are now embraced in the limits of what is now known as the township of Rogers, in the county of Presque Isle, constitute one school district, which shall be a body corporate by the name and style of the "Union school district of the township of Rogers," and by that name may sue and be sued, and shall be subject to the general laws of this State relative to corporation, so far as the same may be applicable; and such district shall have all the powers and privileges conferred upon school districts by the general laws of this State, all general provision of law relating to common or primary schools shall apply and be in force in said district, except such as shall be inconsistent with this act, or with the by-laws and ordinances of the board of education hereinafter mentioned and made in pursuance of this act.

Union school  
district may  
sue, etc.  
Powers.

Officers of, and  
term of office.

SEC. 3. That officers of said district shall consist of six trustees, to be called the board of education, and the term of office of said trustees shall be three years, and they shall receive such salary as the electors in said district shall vote from year to year. Two of said trustees shall be elected annually at the annual meeting of said district, which shall be held on the first Monday in August of each year; and within ten days after such annual election the trustees shall meet and

Organization  
of board of  
education.

elect from their own number a president, secretary, and treasurer, who shall severally hold their offices for one year, and until their successors are elected and qualified, and may at any time fill, by a new election, any vacancies that may occur in either of said offices; and the powers and duties of said board of trustees shall be the same as the school board in school districts organized under the general laws of this State, except as the same are varied by the provisions of this act and the ordinances and by-laws of this board.

Vacancies, how filled.

This act is ordered to take immediate effect.

Approved March 5, 1895.

[ No. 311. ]

AN ACT to incorporate the city of Petoskey, and to repeal all acts and parts of acts relative to the incorporation of the village of Petoskey.

SECTION 1. *The People of the State of Michigan enact,* That the following described territory in the county of Emmet and State of Michigan, bounded and described as follows, to wit: Commencing at the northwest corner of section six, in town thirty-four north, of range five west, and running thence south on the west line of said section six and the west line of section seven, to the southwest corner of the northwest quarter of the northwest quarter of said section seven, thence east on the north eighth line of said section seven, and of section eight, to the southeast corner of the northwest quarter of the northeast quarter of said section eight, thence north on the east eighth line of sections eight and five of said town and of section thirty-two in town thirty-five north, of range five west, to a point within twenty chains and thirty-four links of where said line reaches Little Traverse bay, according to the government surveys, thence running south eighty-six degrees and fifty minutes west, two and thirty-seven hundredths chains, thence north three degrees and ten minutes west, eleven and ninety-three hundredths chains, thence north seventy-one degrees and forty-five minutes west, six and seventy-six hundredths chains more or less, to the shore of Little Traverse bay, thence following low water mark along the shore of said bay southwesterly to the place of beginning, be and the same is incorporated and made, constituted and organized into a city to be known as the city of Petoskey.

Territory incorporated to be known as the city of Petoskey.

SEC. 2. The said city shall be divided into three wards as follows, to wit: The first ward shall embrace all that portion of the city lying east of Bear river and north of the center line of State and Hill streets. The second ward shall embrace all that portion of the city lying east of Bear river and south of the center line of State and Hill streets. The third ward shall embrace all of that portion of said city lying west of Bear river.

To be divided into three wards. First ward.

Second ward.

Third ward.

The boundaries of the several wards as herein established, shall continue until changed by the council of said city.

City of Petoskey,  
how governed.

SEC. 3. The said city of Petoskey shall in all things not herein otherwise provided be governed by and its powers and duties defined and limited by an act entitled "An act for the incorporation of cities" being act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three, approved April twenty-ninth, eighteen hundred and seventy-three, which act is hereby made and constituted a part of the charter of the city of Petoskey except as herein otherwise provided: *Provided*, That chapter twenty-eight of said act number one hundred and seventy-eight, entitled "Education," shall not form any part or portion of the charter of said city of Petoskey, nor apply to said city. Nor shall the provisions of said act in relation to the election or appointment of school inspectors, apply to said city, but the trustees of the school district known and designated as the "Public Schools of Petoskey" shall be, *ex officio*, the school inspectors of said city, and have and possess all the powers of school inspectors of townships, so far as the same are applicable to the said city and school district. Nor shall this act be construed as in any way repealing or nullifying an act entitled "An act to incorporate the public schools of the village of Petoskey, Emmet county, Michigan," being act number four hundred and forty-seven of the session laws of eighteen hundred and eighty-nine.

Proviso that cer-  
tain chapters of  
acts shall not  
apply.

Method of pro-  
cedure in levy-  
ing and collect-  
ing school taxes,  
and altering  
boundaries.

SEC. 4. The methods of procedure in the matters of apportioning, levying and collecting the taxes for the support of the schools of said district, and for altering the boundaries thereof, shall be the same as near as may be, as is provided by law in the case of fractional school districts.

Election, when  
held.

Proviso.

SEC. 5. The first election in and for said city of Petoskey shall be held on the first Monday in April in the year of our Lord eighteen hundred and ninety-five: *Provided*, There shall be sufficient time after the passage of this act to make a registration of the electors, and give the notice of election, by law required, and if there shall not be sufficient time for that purpose, then such first election shall be held on the third Monday of April in the year of our Lord eighteen hundred and ninety-five, and the succeeding annual city elections on the first Monday of April in each year thereafter.

Present officers  
to continue in  
office until the  
officers provided  
for by this act  
are elected and  
qualified.

SEC. 6. The president and trustees of the common council of the village of Petoskey, now in office, and all other officers of said village now in office, whether elected or appointed, shall continue in office until the officers provided by this act shall have been elected or appointed, and shall have qualified to perform their duties under the provisions of this act.

This act is ordered to take immediate effect.

Approved March 8, 1895.



## [ No. 312. ]

AN ACT to legalize certain bonds of the city of Niles.

SECTION 1. *The People of the State of Michigan enact,* Water bonds legalized.  
That all of the proceedings of the freeholders and common council of the city of Niles, in the county of Berrien, heretofore had in respect to the issue of the water bonds of said city, the same being sixty-six thousand dollars in amount, of which thirty-two thousand dollars in amount bear date of June fifteenth, A. D. eighteen hundred ninety-four, and thirty-four thousand dollars in amount bear date of October twenty-ninth, A. D. eighteen hundred ninety-four, are hereby legalized and the said bonds are declared to be the binding obligations of the city of Niles, anything in the charter of said city to the contrary notwithstanding.

This act is ordered to take immediate effect.

Approved March 8, 1895. .

## [ No. 313. ]

AN ACT to authorize and empower and enable the city of Ann Arbor to construct and maintain a system of sewers and to raise the necessary money therefor, and to legalize the proceedings and acts of the common council and officers of the city of Ann Arbor had by virtue of act number four hundred thirteen of the local acts of eighteen hundred ninety-three.

SECTION 1. *The People of the State of Michigan enact,* Authority to construct and maintain a system of sewers.  
That the city of Ann Arbor is hereby authorized and empowered to construct and maintain a system of sewers within said city, and to require, under suitable penalties, all dwelling houses, hotels and other inhabited buildings situate in said city and adjacent to any part of said sewer system, to connect therewith; and to construct and maintain the outlet thereof in the Huron river at any convenient place easterly from the Michigan Central Railroad Company's principal station house in the city of Ann Arbor.

SEC. 2. That all lateral and connecting sewers may be constructed at the cost and expense of the lands, tenements and premises adjacent thereto, and benefited thereby, and the cost thereof may be levied on and assessed against such lands, tenements and premises, and collected from the owners thereof by foot frontage, according to benefits, or by land values as the common council shall or may determine by ordinance. Expense of constructing. The common council shall have power and authority to make and ordain all needful rules, regulations and ordinances, which shall or may be necessary to enable said city to construct, Authority of common council.

maintain and protect such system of sewers, including all lateral and connecting sewers.

Money to be raised by tax.

SEC. 3. The common council of said city is hereby authorized and empowered to raise by loan on the taxable property of said city a sum of money not exceeding one hundred and fifty thousand dollars for a period not longer than five years and at a rate of interest not greater than five per cent per annum for the purpose of enabling said city to construct said sewer system: *Provided*, That not more than forty thousand dollars of such bonded indebtedness shall be outstanding at any one time.

Proviso.

Cost of construction of connecting sewers.

SEC. 4. The common council shall assess the cost of the construction of all lateral and connecting sewers (excepting street crossings, which shall be a charge against the general sewer fund) upon all the property adjacent thereto as aforesaid, and all such assessments, with the interest thereon, shall remain a valid lien upon and against such premises so taxed, and a valid debt and charge against the owner thereof until paid, and all such taxes and assessments shall be paid by the owner or person against whom the same may have been assessed in equal annual installments during a period not exceeding five years from the date of such levy and assessment, with interest thereon at the same rate not exceeding five per cent, which shall be stated in the bonded indebtedness created therefor: *Provided*, That any person may elect and pay the whole of any such assessment at any time, paying all accrued interest thereon, and all such payments shall be credited to the particular sewer fund for the construction of which sewer the same may have been levied, and shall be applied to pay the particular bonds issued therefor.

Lien upon and against adjacent property.

Proviso.

Council shall certify annually to city assessor sums of money required to pay for connecting sewers, etc.

SEC. 5. It shall be lawful for and the common council shall on or before the fourth Monday in June in each year certify to the city assessor the sum or sums of money required to pay for all the laterals and connecting sewers which they require to be raised on the tax roll of that year, together with a description of the lands and premises to be taxed for the same, and the city assessor shall place on the city tax roll of that year all such sum or sums so required to be raised, according to the provisions of the ordinances of said city, placing said sewer tax in a separate column on said tax roll, and said sum or sums of money so set down and spread upon such tax roll shall be, remain and continue a valid debt, demand and tax against the owners of the lands and premises, and a valid tax on and against the lands, tenements and premises in front of or adjacent to which any such lateral or connecting sewer may have been constructed, and shall be collected in the same manner in every particular as the other city taxes set down in and spread upon such tax rolls are collected.

Tax to be assessed and collected same as other city taxes.

Proceedings of common council to be valid.

SEC. 6. That the proceedings and acts of the common council and officers of the city of Ann Arbor, in the county of Washtenaw, heretofore taken and had by virtue of the provisions of act number four hundred and thirteen of the local acts of Michigan of eighteen hundred and ninety-three, be and

the same are hereby declared to be in all things valid and legal.

This act is ordered to take immediate effect.

Approved March 8, 1895.

[ No. 314. ]

AN ACT to authorize the county of Menominee to borrow money to be used in the construction of a bridge, across the Menominee river in the city of Menominee, and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact,* Authority to borrow money.  
That the board of supervisors of Menominee county be and it is hereby authorized and empowered to borrow, on the faith and credit of said county, a sum not exceeding ten thousand dollars for a term not exceeding ten years, at a rate of interest not exceeding six per cent per annum, and to execute the coupon bonds of said county therefor in such form as said board shall determine, said bonds to be signed by the chairman of said board and the clerk of said county. The bonds issued under the provisions of this act shall in no case be disposed of for a less sum than their par value.

SEC. 2. Such money shall not be borrowed, nor such bonds Majority vote.  
issued, unless a majority of the qualified electors of said county voting at the general election to be held in said county on the first day of April, eighteen hundred ninety-five, shall so determine; and said board of supervisors is hereby authorized and empowered to submit the question of said loan to the qualified electors of said county at such election, giving due notice Notice of election. thereof by causing written or printed notices thereof to be posted in five public places in each township, ward and voting precinct in said county at least ten days before said election, and by publishing said notice at least twice in two weekly newspapers published and circulated in said county, which notices shall state the amount of money proposed to be borrowed.

SEC. 3. The vote upon such proposition shall be by ballots, Form of ballot.  
either written or printed, or partially written and partially printed. Ballots in favor of such proposition shall be in the following words: "For the bridge loan—Yes;" and ballots against the same shall be in the following words: "For the bridge loan—No." And it shall be the duty of the said board of supervisors to provide at the polls of such election, during the whole time while the same shall be open, a sufficient number of ballots both for and against such proposition, printed or written in the form above indicated, to furnish all the electors desiring to vote thereon. The election shall be conducted and the Manner of conducting election and canvassing votes.  
votes canvassed in all respects as in township and city elections, and immediately upon the conclusion of such canvass, the inspectors of the election shall make and sign a certificate

- in duplicate showing the whole number of votes cast upon such resolution, and the number for and against the same respectively. Within two days after said elections, said certificates shall be delivered to the township clerk of each township in said county; and within five days after such election the township clerk shall forward one of said certificates to the county clerk of said county: *Provided*, That in townships having more than one voting precinct, the certificates from each precinct shall be delivered to said township clerk and one of each forwarded by said clerk to the county clerk of said county: *And provided further*, That the inspectors of election in the different wards of the city of Menominee shall, within two days after the canvassing of said votes deliver said certificates to the city clerk of the city of Menominee, one of which shall be filed in his office; and within five days after such election said city clerk shall deliver to the county clerk of said county one of said certificates received by him from each of the wards of said city. Within ten days after such election the chairman of said board of supervisors, the county treasurer and the county clerk of said county, shall meet at the office of the county clerk in said county and canvass the returns of the vote on said proposition and declare the result of such election, and immediately after such declaration said chairman, treasurer and clerk shall make and sign a certificate showing the result of such election and file the same in the office of the clerk of said county.
- Certificates of election.**
- Proviso.**
- Proviso.**
- County canvassers, time of meeting of.**
- Money borrowed to be used for construction of a bridge.**
- Tax.**
- SEC. 4. All money borrowed under the provisions of this act shall be by said board of supervisors delivered and paid over to the city of Menominee in said county, to be used by said city in the construction of a bridge over and across the Menominee river in the city of Menominee connecting said city with the city of Marinette, Wisconsin.
- SEC. 5. And in case of the issue of said bonds it shall be the duty of the said board of supervisors of said county to provide by tax upon all of the taxable property of said county for the payment, as the same shall become due, of the principal and interest upon all bonds issued under the authority of this act.
- This act is ordered to take immediate effect.
- Approved March 8, 1895.

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[ No. 315. ]

AN ACT to authorize and empower the city of Menominee, Michigan, to build a bridge across the Menominee river, and to borrow money therefor, and to maintain and repair the same, and hereafter have full jurisdiction and authority over said bridge, within the county of Menominee, and

empower said city at any time in the future to raise money to rebuild or repair said bridge in the same manner as herein provided for raising money.

SECTION 1. *The People of the State of Michigan enact,* That the city of Menominee, Michigan, be authorized and empowered to build a bridge across the Menominee river to the State line, in the place of the old wooden structure connecting Bridge street in the city of Menominee with Bridge street in the city of Marinette, Wisconsin, and to join with said city of Marinette for that purpose, and hereafter have full jurisdiction and authority over said bridge, within the county of Menominee, and said city is empowered at any time in the future to raise money to rebuild or repair said bridge, not exceeding fifteen thousand dollars at any one time, in the same manner as herein provided for raising money.

City authorized to build a bridge across Menominee river.

To have full authority over, and power to raise money for rebuilding or repairs.

SEC. 2. For the purpose of building such bridge the said city of Menominee is authorized to borrow a sum of money not exceeding fifteen thousand dollars, on the faith and credit of said city, and to issue bonds therefor, payable at a time not exceeding twenty years from the date thereof, at a rate of interest not exceeding five per cent per annum, payable annually or semi-annually, as the city council may determine: *Provided,* That the question of making said loan shall be submitted to a vote of the electors being freeholders in said city, and receive the assent of a majority thereof, at such time as the council of said city may order, the election for such purpose to be called, governed and conducted in accordance with the provisions of chapter six of the charter of said city applicable to and governing special elections, except so far as the same is herein specially provided for.

City authorized to borrow money.

Provide.

SEC. 3. All votes given under the provisions of this act shall be by ballot, and the manner of stating such question on the ballots shall be, "Shall the city of Menominee, Michigan, be authorized to borrow on the faith and credit of said city fifteen thousand dollars for the purpose of building a bridge across the Menominee river to the State line in place of the old wooden structure connecting Bridge street in the city of Menominee with Bridge street in the city of Marinette, Wisconsin;" and immediately below on different lines shall be printed the word "Yes" and the word "No." The vote at such election to be canvassed, and the result determined by the council of said city in accordance with said provisions of said chapter six of said city charter.

Voting, manner of, ballot, what to state.

This act is ordered to take immediate effect.

Approved March 8, 1895.

## [ No. 316. ]

AN ACT to authorize the township of Buchanan, in the county of Berrien, to borrow money to pay for the construction of a bridge across the St. Joseph river within said township.

Authority to  
borrow money.

Issue bonds.

Township board  
to fix the time  
of payment of  
bonds.

Bonds to be  
negotiated by  
township  
treasurer.

SECTION 1. *The People of the State of Michigan enact,* That the township board of Buchanan township, in the county of Berrien, be and the same is hereby authorized and empowered to borrow, on the faith and credit of said township a sum not exceeding eleven thousand six hundred and sixty-six dollars and sixty-seven cents, and to execute and negotiate the bonds of said township therefor to pay an indebtedness incurred by said township in the construction of a bridge across the St. Joseph river within said township.

SEC. 2. The said township board shall have the power to and it shall be their duty to fix the time of payment of such bonds, the same not exceeding the period of five years from the date thereof; and to fix the rate of interest to be borne by said bonds, not exceeding six per cent per annum payable semi-annually; and such bonds shall be signed by the supervisor of said township and countersigned by the township clerk, and shall be negotiated by the treasurer of said township in such form as said board shall determine, but said bonds shall in no case be disposed of for a less sum than their par value.

This act is ordered to take immediate effect.

Approved March 8, 1895.

## [ No. 317. ]

AN ACT to legalize the action of the board of supervisors of the county of Berrien in issuing the bonds of said county to the amount of seventy thousand dollars pursuant to an election had November sixth, eighteen hundred and ninety-four, for the purpose of providing and erecting a suitable court house and other county buildings at St. Joseph for the use of the county.

Legalizing the  
issue of bonds  
for the erection  
of a court house  
at St. Joseph.

SECTION 1. *The People of the State of Michigan enact,* That the action of the board of supervisors of Berrien county in issuing the bonds of said county in the sum of seventy thousand dollars for the purpose of erecting a court house and other county buildings at the city of St. Joseph for the use of the county pursuant to an election held for that purpose on November sixth, eighteen hundred and ninety-four, is hereby declared to be legal and valid in every respect, and the bonds in the amount of seventy thousand dollars issued by said board of supervisors of Berrien county for said purpose are declared to

be and are hereby made binding obligations of the said county of Berrien.

This act is ordered to take immediate effect.

Approved March 8, 1895.

[ No. 318. ]

AN ACT to authorize the board of supervisors of the county of Bay, to provide compensation for the services of clerical work in the office of the county clerk of said county.

SECTION 1. *The People of the State of Michigan enact,* That the board of supervisors of the county of Bay be, and they are hereby authorized to allow compensation for whatever clerical work may be required in the office of the county clerk of said county; said compensation to be paid out of the contingent fund of said county: *Provided,* That the said compensation shall not exceed the sum of fifteen hundred dollars in any one year.

Authority to provide compensation for clerical work in office of county clerk.

Proviso.

This act is ordered to take immediate effect.

Approved March 8, 1895.

[ No. 319. ]

AN ACT to revise and amend section seven of act number four hundred and ninety of the session laws of eighteen hundred and seventy-one, entitled "An act to incorporate the public schools of the city of Battle Creek," approved April seventeenth, eighteen hundred and seventy-one, as amended by act number four hundred and thirty-five of the session laws of eighteen hundred and eighty-nine, approved June nineteenth, eighteen hundred and eighty-nine.

SECTION 1. *The People of the State of Michigan enact,* That section seven of act number four hundred and ninety of the session laws of eighteen hundred and seventy-one, as amended by act number four hundred and thirty-five of the session laws of eighteen hundred and eighty-nine, be and is hereby amended to read as follows:

Section amended.

SEC. 7. The board of trustees shall have power by a vote of two-thirds of all the trustees elect to designate sites for schoolhouses and to purchase the same and the board of trustees by a vote of all the trustees elect may sell any unoccupied schoolhouse site, or any portion of any schoolhouse site, situated at a distance of not less than one hundred feet from any school building: *Provided,* That no resolution for the sale of any

Power of board of trustees to designate and purchase sites for schoolhouses. May sell unoccupied sites.

Proviso.

What deemed as  
sites for public  
schools.

schoolhouse site or any portion thereof shall be acted upon at the same meeting when presented, and until said resolution has been published in the school board proceedings, at least one week in advance of action. The site of the several school buildings heretofore located and held by the graded and high schools of the city of Battle Creek, and fractional school district number four of Emmett and Pennfield shall be and they are hereby declared and deemed schoolhouse sites for the public schools of the city of Battle Creek.

This act is ordered to take immediate effect.

Approved March 8, 1895.

[ No. 320. ]

AN ACT to amend sections fifteen, seventeen, nineteen and one hundred eighty-one of act number three hundred eighty-four of the session laws of eighteen hundred eighty-seven, entitled "An act to reincorporate the city of Adrian," approved March eighth, eighteen hundred eighty-seven, as amended by the several acts amendatory thereof.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections fifteen, seventeen, nineteen and one hundred eighty-one of act number three hundred eighty-four of the session laws of eighteen hundred eighty-seven, entitled "An act to reincorporate the city of Adrian," approved March eighth, eighteen hundred eighty-seven, as amended by the several acts amendatory thereof, be amended so as to read as follows:

Elective city  
officers.

SEC. 15. The following city officers, viz.: a mayor, city clerk, city treasurer, city collector, four justices of the peace, shall be elected by the qualified voters of the whole city.

Appointed  
officers.

SEC. 17. The following officers shall be appointed by the council, viz.: a city attorney, city marshal, street commissioner, city surveyor, engineer of fire department. The council may also, from time to time provide by ordinance for the appointment of, and appoint for such term as may be provided in the ordinance, such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.

Terms of office  
of certain  
officers.

SEC. 19. The mayor, city clerk, city treasurer, city collector, supervisors and constables shall hold their offices for the term of one year from the second Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their offices. One justice of the peace shall be elected annually for the term of four years from the fourth day of July next after his election.

Declaration by  
resolution.

SEC. 181. Before proceeding to the construction of any district sewer, the council shall, by resolution, declare its inten-



tion to construct the same and designate as near as possible the proposed location or route, and make an estimate of the cost thereof, and give notice of the same by publishing in one or more newspapers in said city, so much of said resolution as is necessary, at least five days prior to the meeting once each week for two weeks, of the time when a meeting will be held by the council to hear objections if any to said proposed sewer.

Notice to be published.

This act is ordered to take immediate effect.

Approved March 8, 1895.

[ No. 321. ]

AN ACT to authorize the township of Baraga, in the county of Baraga, to borrow money to be used in the payment of judgments and outstanding orders of said township and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact,* That the township board of the township of Baraga, in the county of Baraga, is hereby authorized and empowered to borrow money on the faith and credit of said township and to issue negotiable bonds therefor to an amount not exceeding five thousand dollars at a rate of interest not exceeding seven per cent per annum: *Provided,* That a majority of the qualified electors present and voting at an election to be called for that purpose in compliance with the provisions of this act shall vote in favor of such loan, and not otherwise.

Authority to borrow money.

Proviso.

SEC. 2. The money borrowed under the provisions of this act shall be expended in paying judgments obtained against said township, and all lawful orders issued and audited by said township at the time said bonds shall be issued and not otherwise.

Shall be expended in paying judgments.

SEC. 3. The question of raising money by a loan shall be submitted by the township board of said township to the qualified electors thereof at a special election to be called for the purpose of voting on said loan upon due notice as required by law, which notice shall state that said electors will be called upon to vote upon such loan, and the amount thereof.

Special election.

Notice of.

SEC. 4. The vote on any loan under the provisions of this act shall be by ballot. Two ballots shall be prepared, one of which shall have printed or written thereon the words "For the loan," and the other the words "Against the loan." The like notice shall be given and the election shall be conducted and the votes canvassed in all respects as the election for township officers.

Form of ballot.

SEC. 5. If such loan shall be authorized by a majority of such electors said bonds may be issued in such sums not exceeding in the aggregate the amount hereinbefore limited, and payable at such times as the township board shall direct, and shall be signed by the supervisor and township clerk, and

Majority vote.

Bonds to be negotiated by and under direction of township board.

Tax.

recorded and negotiated by and under the direction of the township board, but not for a sum less than the par value thereof, and the moneys arising therefrom shall be appropriated to pay any judgments of record against said township and the outstanding orders, audited and recorded, only at the time said bonds shall be issued. And the township board shall have power, and it shall be their duty, to raise by tax on the taxable property of said township, such sum or sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon, as the same shall become due.

This act is ordered to take immediate effect.

Approved March 12, 1895.

[ No. 322. ]

AN ACT to provide for the preparing and maintaining a geographical index of the records in the register of deed' office in Saginaw county and the manner of maintaining said index, to provide for the expense thereof, to define the duties of the register of deeds in relation thereto, and the penalty for failure to carry out the provisions of this act and the manner of procedure in said failure.

Question of maintaining geographical index of records to be submitted to electors.

SECTION 1. *The People of the State of Michigan enact*, That the question of the preparation and maintenance of a geographical index of the records of said county shall be submitted to the electors of said county at the first election held in said county after the passage of this act, at which legal notice can be given of the submission thereof. Notice to be given of the submission of the said question by the sheriff of said county at least ten days before such election and in the manner prescribed by law.

Ballots to be furnished by board, form of.

SEC. 2. The ballots shall be prepared and furnished by the board of election commissioners to the various boards or inspectors of election as provided by law, and shall be in the following form: "To prepare and maintain a geographical index in the register's office in Saginaw county and to authorize the board of supervisors to raise money therefor—Yes." "To prepare and to maintain a geographical index in the register's office in Saginaw county and to authorize the board of supervisors to raise money therefor—No." The said ballot to be taken and canvassed in the usual manner and returns to be made to the proper officers or boards in the form and manner as is required by law.

Ballot to be canvassed in the usual manner.

When board to purchase or prepare index.

SEC. 3. Provided that a majority of the electors of said county shall vote in favor of the proposition then the board of supervisors shall at any session thereafter purchase or prepare a geographical index of the records of said county and pay the expense of the same from any money in the county treasury not otherwise appropriated, and provided no money in the

county treasury can be so used, the said board shall at the annual session in October after the said expense shall have been incurred levy an amount sufficient to defray expense so made on the taxable property of the county to be levied and collected as a part of the county tax.

SEC. 4. When the said index shall have been prepared and placed in the register's office then and thereafter it shall be the duty of the said register to maintain the same after the plan upon which such index shall have been prepared and for the services required by this act the board of supervisors shall allow the said register a sum of not less than two hundred dollars nor more than five hundred dollars per annum.

Duty of the register to maintain such index.

Compensation.

SEC. 5. Before entering upon the duties of his office as prescribed herein the register of deeds shall file with the county treasurer a bond for the faithful performance of the duties herein set forth, the amount thereof and the sureties thereto to be approved by the board of supervisors, and the board shall have the power to require a new bond at any time thereafter to be filed and approved as above provided.

Register to file bond.

SEC. 6. Provided the register of deeds shall at any time neglect or refuse, or in case an error shall be detected in his work, as is required by this act, then upon complaint of such failure being filed by an elector of said county with the circuit judge of the circuit court of Saginaw county who shall forthwith set a day not later than fourteen days after the filing of the said complaint for the hearing of said complaint and shall authorize the sheriff of said county to serve a notice on the said register at least five days previous to the day set for the hearing of said complaint setting forth the name of the complainant and the nature of the complaint and the hour and day set for the said hearing and notifying the said register to show cause why he should not be dismissed from the office.

Refusal, neglect or error, cause for dismissal.

SEC. 7. On the day set for such hearing the judge shall hear the complaint and evidence thereof and the defense of said register, and shall determine the facts of the case, and in case it shall appear to the circuit judge that the register is guilty of the charge in the said complaint then the circuit judge shall forthwith certify to the Governor of the State, the nature of the complaint and his determination of the facts, and it shall be the duty of the Governor to depose the said register from office and immediately appoint a suitable person to fill the vacancy so occasioned.

On conviction Governor to remove register and fill vacancy.

SEC. 8. The judge may require services from the county clerk, the circuit court stenographer and sheriff, which said officers shall be paid for the services the fees usual for the services so required, to be paid from the contingent fund of the said county upon the certificate of the circuit judge.

Who judge may require service from.

This act is ordered to take immediate effect.

Approved March 12, 1895.

[ No. 323. ]

AN ACT to amend section two of an act entitled "An act to revise and amend the charter of the city of Ypsilanti," approved May fifth, eighteen hundred and seventy-seven, being act number three hundred and twenty-eight of the session laws of eighteen hundred and seventy-seven, as amended by act number four hundred of the session laws of eighteen hundred and eighty-one and act number three hundred and ten of the session laws of eighteen hundred and ninety-one.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact,* That section two of an act entitled "An act to revise and amend the charter of the city of Ypsilanti," approved May fifth, eighteen hundred and seventy-seven, being an act number three hundred and twenty-eight of the session laws of eighteen hundred and seventy-seven, as amended by act number four hundred of the session laws of eighteen hundred and eighty-one, and act number three hundred and ten of the session laws of eighteen hundred and ninety-one, be amended so as to read as follows:

Boundaries.

SECTION 2. *The People of the State of Michigan enact,* That so much of the township of Ypsilanti, in the county of Washtenaw, as is included in the following description, to wit: beginning on the north bank of the Huron river on the line between sections four and five in said township; thence south to the northeast corner of lot number eight of the subdivision of said section five; thence west to the northwest corner of lot number six in said subdivision; thence south to the center of the Ann Arbor road; thence north eighty degrees and ten minutes west along the center of said Ann Arbor road thirty chains and twenty-five links; thence south thirty-nine degrees and fifty minutes west along the center of what is known as the South Ann Arbor road eleven chains and forty-one links; thence south eighteen degrees and ten minutes east thirty-six chains and five links to the center of the highway leading westerly from the west end of Congress street; thence south sixty-six degrees and twenty minutes west along the center of said highway two chains to the northeast corner of Ed. Crane's land; thence south along the east line of said Crane's land three chains and twelve links; thence east parallel with Congress street twenty-three chains and thirteen links; thence south along the west line of the fair ground to the southwest corner of said fair ground; thence east along the south line of said fair ground two chains and thirty links; thence south on the old city line to the center of the Chicago road; thence south on the present city line to the south line of the William Watling farm; thence in a northeasterly direction along the south line of said Watling farm to the center of the Monroe road; thence northerly along the center of the Monroe road to the south limits of the city as now located; thence east to the Huron river; thence down the west bank of said river to the

southeast corner of the west half of the northwest fractional quarter of section fifteen in said township; thence north to the north line of the southwest quarter of section three in said township; thence west to the east line of River street; thence northerly on the east line of said street to the north line of Highland cemetery protracted east; thence west to the northwest quarter of section four; thence south to the southeast corner of said quarter section; thence west to the north bank of the Huron river; thence up said river to place of beginning, be and the same is hereby set off from the said township of Ypsilanti and declared to be a city by the name of the city of Ypsilanti, by which name it shall hereafter be known.

This act is ordered to take immediate effect.

Approved March 13, 1895.

[ No. 324. ]

AN ACT to provide for the election of an assessor in and for the city of Iron Mountain, in the county of Dickinson, and prescribing his powers, duties and compensation.

SECTION 1. *The People of the State of Michigan enact* Assessor.  
That at each annual city election to be held in the city of Iron Mountain, in the county of Dickinson, there shall be elected an assessor who shall hold his office for the term of one year Term of office. from and after his election and until his successor is elected and qualified.

SEC. 2. Said assessor shall, within ten days after receiving notice of his election, take and subscribe the oath of office, Oath of office. prescribed by the constitution of this State, and file the same with the city clerk.

SEC. 3. Said assessor shall annually assess all property in said city of Iron Mountain, liable to taxation under the laws of this State, for the purpose of levying taxes, and he shall for that purpose have all the powers and perform all the duties Duties of. possessed and performed by supervisors under act number one hundred and seventy-eight of the public acts of eighteen hundred and seventy-three, being chapter eighty of Howell's annotated statutes. Said assessor shall also, each year, within thirty days after the board of review of assessment of said city shall have reviewed and corrected the assessment rolls of the several wards of said city, deliver a certified copy of each of said assessment rolls to the city clerk to be filed in his office for the use of the city council.

SEC. 4. Said assessor shall receive such compensation for his services as the common council of said city may determine from time to time, not exceeding four hundred dollars for any Compensation. one year.

This act is ordered to take immediate effect.

Approved March 13, 1895.

## [ No. 325. ]

AN ACT to detach certain territory from the township of Muskegon, county of Muskegon, and attach the said territory to the city of Muskegon in said county.

Territory detached from township and added to the city of Muskegon.

SECTION 1. *The People of the State of Michigan enact,* That the following piece of land in the county of Muskegon and State of Michigan, bounded and described as herein set forth, is hereby detached from and shall cease to be a part of the township of Muskegon in the county of Muskegon, and is hereby attached to and shall hereafter become and be a part of the city of Muskegon, in said county of Muskegon. Said piece of land is described as follows: Beginning at the northeast corner of the northwest quarter of the northwest quarter of section thirty-six in town ten, north of range seventeen west; thence south on one-eighth line thirteen hundred and twenty feet, thence west on one-eighth line three hundred and eighty-five feet, thence south parallel with north and south one-eighth line nineteen hundred and eighty feet to south line of McGraft park, so called; thence west along south line of said McGraft park nine hundred and thirty-five feet to west line of section thirty-six; thence north on said west line to the northwest corner of the northwest quarter of the northwest quarter of said section thirty-six; thence east to place of beginning.

All contravening acts repealed.

SEC. 2. All acts and parts of acts, so far as they contravene the provisions of this act, are hereby repealed.

This act is ordered to take immediate effect.

Approved March 13, 1895.

## [ No. 326. ]

AN ACT to authorize the township of Whitney, in Arenac county, Michigan, to borrow money upon its bonds for the improvement of certain highways in that township.

Authority to borrow money.

SECTION 1. *The People of the State of Michigan enact,* That the township board of the township of Whitney, county of Arenac, State of Michigan, shall be and it is hereby authorized and empowered to borrow on the faith and credit of said township, and issue its bonds for the sum of ten thousand dollars, to be payable in amounts as hereinafter set forth, for the improvement of the hereinafter described highways in said township.

When payable.

SEC. 2. Said ten thousand dollars shall be due and payable as follows: One thousand dollars in ten years from the date of said loan, one thousand dollars in eleven years, one thousand dollars in twelve years, one thousand dollars in thirteen years, one thousand dollars in fourteen years, one thousand dollars in fifteen years, one thousand dollars in sixteen years.

one thousand dollars in seventeen years, one thousand dollars in eighteen years, one thousand dollars in nineteen years from the date of said loan, with interest at the rate of six per centum per annum, payable semi-annually, and shall be represented by twenty coupon bonds of said township of the sum of five hundred dollars each, said bonds and accompanying coupons shall be in proper form and signed by the supervisor and clerk of said township board.

SEC. 3. Said money shall be borrowed for and expended in the improvement of the following described highways in said township, and the drains necessary to carry off the water from the same, that is to say: The highway commencing at the Au Gres river, where it intersects the section line between sections twenty-nine and thirty of township twenty north, range seven east, and extending north on section lines to north side of said township; and the highway commencing on the said Au Gres river at the intersection of said river with the section line between sections twenty and twenty-one in said township, and extending thence north on section lines to the north line of said township; and the highway commencing at the northeast corner of the southeast quarter of section twenty-eight in said township, and extending on the east and west quarter line of section twenty-seven to the east line of said section twenty-seven, thence north on the section line between sections twenty-seven and twenty-six to the northeast quarter of section twenty-seven, thence east on the section line between sections twenty-three and twenty-six to the north and south quarter line of section twenty-three, thence north on said quarter line to north side of section twenty-three, thence east on section lines to the Saginaw bay; also a highway commencing at the common corners of section three, four, thirty-three and thirty-four in said township, and extending thence south on the section lines to the Saginaw bay. How expended.

SEC. 4. Such money shall not be borrowed nor such bonds issued unless a majority of the qualified electors of said township voting at the annual township election meeting in April, eighteen hundred and ninety-five, or a special election called for the purpose of voting on such loan within three months after the passage of said act, shall so direct. And said township board is hereby authorized and empowered to call a special election for the purpose of submitting the question of said loan to the qualified electors of said township, giving due notice thereof by causing the date, place of voting and object of said election to be stated in written notices, and by posting said notices in five public places in said township, at least ten days before said election, and in case said question is submitted to the electors of said township at the annual township election meeting in April, eighteen hundred and ninety-five, like notice, posted in the manner hereinbefore pointed out for special election, shall be given. Majority vote.  
Special election.  
Notice of.

SEC. 5. The vote upon such proposition shall be by ballot, either written or printed, or partly written and partly printed. Ballots in favor of such proposition shall be in the following Form of ballot.

words, "For highway improvement loan;" and ballots against the loan shall be in the following words, "Against highway improvement loan." And it shall be the duty of the township board to provide at the polls of such election, during the whole time while the same shall be open, a sufficient number of ballots, both for and against such proposition, printed or written in the form above indicated, and to furnish the same to all electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as in other township elections. Immediately upon the conclusion of such canvass the inspectors of the election shall make and sign a certificate, showing the whole number of votes cast upon such proposition, and the number for and against respectively, and not later than the third day following such election said inspectors shall endorse upon said certificate the declaration in writing over their hands of the result of said election, which declaration and certificate shall then forthwith be filed with the clerk of said township, and a copy thereof shall be filed with the clerk of Arenac county.

Canvass of votes.

Certificate of election.

Money raised, how expended.

SEC. 6. The money raised by said loan shall be paid into the treasury of said township of Whitney, and shall be drawn therefrom upon the order of the supervisor and clerk of the said township of Whitney, as the work of improvement of said roads progress, and shall be expended to the best advantage in the improvement of the roads above described.

Tax.

SEC. 7. In case of the issue of said bonds, it shall be the duty of the supervisor of the said township of Whitney to assess, and the treasurer of said township to collect, in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable thereon, and also any installment of the principal thereof falling due in any such year, and the said interest shall be payable by said treasurer after the same shall become due, on presentation to him of the proper coupons, and the said principal shall be payable by said treasurer after the same shall become due, on presentation to him of the proper bonds.

This act is ordered to take immediate effect.

Approved March 13, 1895.

[ No. 327. ]

AN ACT to detach certain territory from the township of Cedar, in the county of Mackinac and to organize the township of Sherwood, in the county of Mackinac.

Township of Sherwood organized.

SECTION 1. *The People of the State of Michigan enact,* That all of townships forty-one and forty-two north of range one east, and forty-one north of range two east, now forming a portion of the township of Cedar in the county of Mackinac,



be and the same are hereby set off from the residue of said last named township and organized into a separate township by the name of Sherwood, and the first township meeting thereof shall be held at the Pollard house on lot two in section thirty-one, of township forty-two north of range one east on the first Monday of April, A. D. eighteen hundred ninety-five.

SEC. 2. Cornelius Y. Bennett, James T. Elliott and Anthony Hamel are hereby made and constituted a board of inspectors for said township election and at such election the qualified electors shall choose by ballot persons to fill the various township offices in manner and form as provided by the general laws of this State in case of township elections.

Board of inspectors of election.

SEC. 3. If for any reason the township meeting provided for in section one shall not be held at the time specified for holding the same it shall be lawful to hold the same at any time thereafter by giving at least fifteen days notice of the time and place of holding such meeting by posting notices thereof in four of the most public places in said township, which notice may be given by said board of inspectors of election or a majority thereof.

Election at other than time specified.

SEC. 4. If for any reason all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting at the time specified it shall be lawful for the electors of said township who shall be present at the time designated for opening the polls of said election to choose from the electors present suitable persons to act as inspectors of said election in place of such inspectors who shall neglect or be unable to attend such meeting.

When inspectors of election to be chosen by electors.

SEC. 5. The said Cornelius Y. Bennet, James T. Elliot and Anthony Hamel, or a majority of them, shall constitute a board of registration with like powers and duties of township boards of registration in other cases and the holding of the session of said board of registration shall be at said Pollard house.

Board of registration.

SEC. 6. The said Cornelius Y. Bennet, James T. Elliot and Anthony Hamel are hereby designated and declared to be the township board of election commissioners for the said township of Sherwood, and it shall be their duty to perform and they shall perform all duties relative to the preparation and printing of ballots as are required by law of the boards of election commissioners of counties, and they are hereby vested with all the powers, duties and privileges granted to township boards of election commissioners under the provisions of act number one hundred ninety-four of the session laws of the State of Michigan of the year eighteen hundred ninety-one.

Township board of election commissioners.

Duties of.

This act is ordered to take immediate effect.

Approved March 14, 1895.

[ No. 328. ]

AN ACT detaching certain land from the township of Grant, in the county of Keweenaw, and attaching the same to the township of Eagle Harbor, in the said county of Keweenaw.

Territory detached from township of Grant and attached to township of Eagle Harbor.

SECTION 1. *The People of the State of Michigan enact,* That all of sections one, two, three and north half of section ten, north half of section eleven, north half of section twelve, in town fifty-eight north of range thirty west, and the entire fractional part of town fifty-nine north, of range twenty-nine west, embracing fractional section twenty-five, fractional section twenty-six, fractional section twenty-seven, fractional section twenty-eight, fractional section twenty-nine, fractional section thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six; also that described as follows: All of township fifty-eight north of range twenty-nine west, lying north of an east and west line running through the center of sections seven, eight, nine, ten, eleven and twelve, embracing the following sections: one, two, fractional three, fractional four, five, fractional six and north half of fractional sections seven, eight, fractional nine, fractional ten, fractional eleven and twelve, be and the same is hereby detached from the township of Grant, in the county of Keweenaw, and the same is hereby attached to and made a part of the township of Eagle Harbor, in the said county of Keweenaw.

This act is ordered to take immediate effect.

Approved March 14, 1895.

[ No. 329. ]

AN ACT to detach certain territory situated in school district number two, township of Paris, Huron county, Michigan, and attach the same to district number two of Bingham township, Huron county, Michigan.

Territory detached from school district No. 2, township of Paris and attached to school district No. 2, township of Bingham.

SECTION 1. *The People of the State of Michigan enact,* That the following described territory, situate and lying in the townships of Bingham and Paris, Huron county, Michigan, known and described as follows, to wit: The south half of section fourteen, southeast quarter of section fifteen, northeast quarter of section twenty-two, east half of southeast quarter of section twenty-two, sections twenty-three, twenty-four, twenty-five, and twenty-six, east half of northeast quarter of section twenty-seven, southeast quarter of section twenty-seven, east half of section thirty-four, sections thirty-five and thirty-six in Bingham township; west half of section thirty-one, and southwest quarter of section thirty, in Paris township, be and the same is hereby organized, known and designated as fr

tional school district number two of the townships of Bingham and Paris, Huron county, Michigan.

This act is ordered to take immediate effect.

Approved March 14, 1895.

[ No. 330. ]

AN ACT to incorporate the public schools of the township of Briley, Montmorency county.

SECTION 1. *The People of the State of Michigan enact,* Single school district.  
That the territory embraced in the township of Briley, in the county of Montmorency, be and the same is hereby declared to be a single school district, which shall be a body corporate by the name and style of "the public schools of the township of Briley," and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of this State relating to corporations, so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon school districts and union school districts by the general laws of this State. And all schools in said district and all schools hereafter organized therein in pursuance of this act, under the directions and regulations of the board of education, shall be public and free to all persons actual residents within the limits thereof, between the ages of five and twenty years inclusive. All schools to be free.

SEC. 2. The officers of said district shall consist of the supervisor of the township, who shall not at the same time hold the office of trustee, and four trustees, who shall constitute the board of education of said district; the terms of office of said trustees shall be four years each and until their successors are elected and qualified. Said trustees shall be elected by ballot at the annual township meeting of the township of Briley, upon the same ticket and canvassed in the same manner as township officers are required by law to be elected by ballot: *Provided,* That a special election shall be held in said township within sixty days after this act shall take effect, to be held at the same place where the last preceding township election was held, and conducted and canvassed by the same officers and in the same manner as elections for township officers; notice of the time and place of such election shall be given by the township clerk by printed or written notices posted up in five public places in said township at least ten days before the holding of such election. At such special election there shall be elected four trustees of said district by the electors thereof, one of whom shall hold his office until the third Monday of April in the year eighteen hundred and ninety-six, one for the term of one year, one for the term of two years, and one for the term of three years from the third Monday of April succeeding the first annual meeting provided District officers.  
Provide as to special elections.

for by this act, and until their successors are elected and qualified, and their terms of office shall be determined by lot, as provided for justices of the peace in new townships in chapter nineteen of Howell's annotated statutes of Michigan; said trustees to be designated on the tickets or ballots: "For members of the board of education."

Clerk to notify  
trustees elect.

SEC. 3. Within five days after such special or annual election the township clerk shall notify in writing the persons elected trustees under this act of their election, and within five days thereafter said trustees so elected, shall take and subscribe the oath of office prescribed by the eighteenth article of the constitution, before the township clerk, or some other officer authorized to administer oaths, and file the same with the township clerk, who shall record the same in the records of proceedings to be kept by said board of education: *Provided*, That in case the township clerk shall fail to give the notice in this section required, then the persons so elected may at any time on or before the third Monday of April succeeding the annual township election at which they are elected, take and subscribe the oath of office and file the same as hereinbefore prescribed; and the term of office of the trustees of said district other than those elected at such special election shall commence on the third Monday of April following the annual township election at which they are elected.

Proviso.

Clerk of board.

SEC. 4. The township clerk of the township of Briley shall be *ex officio* clerk of said board of education, and shall perform such duties as the board may require, but shall not be entitled to vote therein, and in case of the absence of said clerk, the board may by resolution choose some suitable person to perform such duties.

Election of treasurer, etc.

SEC. 5. The said trustees and the supervisor, who shall be *ex officio* president of said board of education shall meet within sixty days after such special election, and on the third Monday of April in each year at the township clerk's office and elect from their own number, a treasurer, who shall hold his office for one year from said third Monday of April, and until his successor is elected and qualified; and may at any time fill by new election any vacancy that may occur in the office of trustee until the next annual election, and each trustee so chosen shall, within ten days thereafter, file with the clerk of said board the oath of office, as prescribed in section three of this act.

Quorum.

Regular meeting.

SEC. 6. The majority of the members of said board shall constitute a quorum, and the regular meetings of said board shall be on the third Monday of April, August, December and March in each year, and no notice of such meetings shall be required, and the president and clerk, or any two members of said board, shall be sufficient to adjourn any meeting from time to time until a quorum be present, and special meetings of said board may be called at any time on the request of the president, or two members of said board in writing delivered to the clerk, and the clerk on receipt of such request shall at once notify in writing each member of said board, if within

Special meetings.

said district, of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk. All meetings of said board shall be held at the township clerk's office unless otherwise directed by resolution of said board. All the records and papers of said district shall be kept in the custody of said clerk, and shall be open to inspection of any legal voter of said district.

SEC. 7. All the school property, real and personal, within the limits of the township of Briley heretofore belonging to the different primary school districts in the township of Briley shall by force of this act become the property of said public schools of the township of Briley hereby organized; and all the credits of the several primary school districts at the passage of this act shall belong to the said public schools of the township of Briley hereby organized, and all the indebtedness of said several primary school districts at the time of the passage of this act shall be assumed and paid by the public schools of the township of Briley hereby organized.

All school property to be property of.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase schoolhouse sites, erect buildings and furnish the same, by a majority vote of said district board, and shall have power to employ teachers, provide books for district library, to make by-laws, regulate the taking of the census of all children in said district between the ages of five and twenty years, to make all necessary reports and transmit the same to the proper officers as designated by law so that the said district may be entitled to its proportion of the primary school fund; and said board shall have authority to make all needful rules, regulations and by-laws relating to visitation of schools, relating to regulations of schools and the books to be used therein: *Provided*, Their acts are not in conflict with any general law relative to text-books, and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district and the promotion of the thorough education of the children thereof; and it shall be the duty of such board to apply for and receive from the county treasurer or other officers holding the same all moneys apportioned for primary schools and the district library of said district and may adopt such by-laws and rules for their own procedure as they may deem necessary.

Power and authority of board.

Provided.

SEC. 9. The board of education, at their regular meeting on the third Monday of August in each year, shall make an estimate of and determine the amounts of money deemed necessary to be raised by taxes for the ensuing year for all purposes of expenditures within the powers of said board which estimates shall specify the amounts required for different objects of expenditures, and such shall be entered in the records of proceedings of said board; and the clerk of said board shall, within twenty days thereafter, make a written report of the amount of taxes estimated and determined to be necessary, and certify the same to the supervisor of said township of Briley, who shall spread the same upon the regular tax roll of said

Annual estimates.

- township, and the same shall be levied collected and returned in the same manner as other township taxes: *Provided*, That for purchasing school lots and erecting schoolhouses no greater sum than five mills on the dollar of all taxable valuation of the real and personal property of said district shall be levied in any one year not more than five years from and after the passage of this act and no greater sum than three mills on the dollar the years thereafter.
- Proviso.** SEC. 10. The treasurer of the board shall have the keeping of the school and library moneys and shall not pay out the same without the authority of the board upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president; and said treasurer shall before entering upon the duties of his office give a bond to said district in such sum and with such sureties as said board shall determine conditioned for the faithful performance of his duties and honest accounting for all moneys coming into his hands belonging to said district.
- Treasurer to keep and pay out moneys.**
- Give bond.** SEC. 11. The said board shall annually and on the third Monday of March in each year make a detailed statement of the number of schools in said district, the number of teachers employed and the number of pupils instructed during the preceding year and the expenditures of said board for all purposes, and all the resources and liabilities of said district, which report or statement shall be entered at length in the records of said board and shall be publicly read by the president of said board, or in his absence by the clerk thereof, to the electors of said township of Briley, at their annual township meeting on the first Monday of April thereafter, between the hours of twelve o'clock noon, and three o'clock in the afternoon.
- Annual statement.** SEC. 12. The treasurer of the township of Briley shall, at any time at the request of the board of education, report to the clerk the amount of school money in his hands, and shall, on the order of the president of said board, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt which shall be filed with the clerk of said board.
- Treasurer to report.** SEC. 13. All taxes assessed within said township of Briley for school purposes shall be set forth in the assessment roll of said township, in a separate column, apart and distinct from all other township taxes.
- How school taxes to be entered on roll.** SEC. 14. The compensation of the members, president and clerk of said board shall be one dollar and fifty cents for each day's actual service rendered for such district to be audited by the said board of education at its regular meetings.
- Compensation.** SEC. 15. When any township district shall be divided into two or more townships the existing board of trustees shall continue to act for all the townships until the same have been organized and township boards of trustees duly elected and qualified therein. Immediately after such organization, the township boards of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made. When such appraisal has been
- In case of division.**

made, said township boards shall make an equitable division of the existing assets and liabilities of the school district of such former township, basing their apportionment upon the amount of taxable property in the township divided, as shown by the last assessment roll of such former township. When a township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township boards of each of the townships shall, immediately after such alteration, meet in joint session and make an equitable division of the assets and liabilities of the school district of the township from which the territory has been detached, basing their division upon the amount of taxable property, as the same shall appear upon the last assessment roll of such township: *Provided*, That whenever any surveyed township in the present organized township of Briley, is set apart and organized as a separate township, the schools in such new township shall be governed by and conducted in accordance with the general laws of the State relative to public instruction and primary schools. This act is ordered to take immediate effect.  
Approved March 14, 1895.

[ No. 331. ]

AN ACT to authorize the township of Carp Lake, in the county of Ontonagon and State of Michigan to borrow money to be used in the payment of outstanding orders of said township, and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact*, That the township of Carp Lake, in the county of Ontonagon, be and is hereby authorized and empowered to borrow money on the faith and credit of said township, and to issue bonds therefor, to an amount not to exceed five thousand dollars, for a term not exceeding ten years from the date of issue, at a rate of interest not exceeding six per cent per annum, payable annually, and to execute the coupon bonds of the said township therefor: *Provided*, That the qualified electors of said township voting at any regular or special election called for the purpose under the laws governing township elections shall, by a two-thirds majority vote, decide upon a loan of the said amount.

SEC. 2. If such loan shall be authorized by two-thirds of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited and payable at such times, with such rate of interest not exceeding six per cent per annum, as the township board shall direct, and shall be signed by the supervisor and countersigned by the clerk of said township, and negotiated by or under the direction of said board, and the money arising therefrom shall be appropriated in such manner as said township board shall determine

Tax.

for the purpose aforesaid. And the said township board shall have power, and it shall be their duty, to raise by tax upon the taxable property of said township, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due.

Money to be used for paying present indebtedness upon outstanding orders.

SEC. 3. The amount of money realized from said bonds shall be used only for the purpose of paying the present indebtedness upon the outstanding orders of said township.

This act is ordered to take immediate effect.

Approved March 14, 1895.

[ No. 332. ]

AN ACT to detach certain territory from the city of Muskegon, county of Muskegon, and attach said territory to the township of Muskegon in said county.

Territory detached.

SECTION 1. *The People of the State of Michigan enact,* That the following described parcel of land in the county of Muskegon and State of Michigan, bounded and described as herein set forth, is hereby detached from and shall cease to be a part of the city of Muskegon in the county of Muskegon, and is hereby attached to and shall hereafter become and be a part of the township of Muskegon in said county of Muskegon. Said piece of land is described as follows: All that part of the city of Muskegon, lying northerly of a line described as follows, commencing at a point eighty rods north of the southwest corner of section seventeen, in town ten north of range seventeen west, thence east on half quarter or eighth line to the north and south quarter line of said section seventeen, thence northeasterly to the quarter post between sections sixteen and seventeen in town ten north of range seventeen west:

Provido.

*Provided,* That the public highway known as the Allegan, Muskegon and Traverse Bay State road, running through said piece of land shall become a county road by the due adoption thereof by the board of county road commissioners of said county, it shall continue to be the duty of the city of Muskegon to maintain said public highway in proper repair: *And provided further,* That the township of Muskegon shall not be liable either for the maintenance of said highway or for damages which may occur from defects in said highway.

Acts repealed.

SEC. 2. All acts and parts of acts, so far as they contravene the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved March 15, 1895.



## [ No. 333. ]

AN ACT to amend section three of an act entitled "An act to provide for two voting precincts for the township of Perry, in the county of Shiawassee, defining the limits thereof, providing for a new registration of the voters thereof and determining who shall be inspectors of election therein," approved July third, eighteen hundred ninety-one, being act number three hundred ninety-eight of the local acts of eighteen hundred ninety-one.

SECTION 1. *The People of the State of Michigan enact,* Section amended.  
That section three of an act entitled "An act to provide for two voting precincts for the township of Perry in the county of Shiawassee, defining the limits thereof, providing for a new registration of the voters thereof, and determining who shall be inspectors of election therein," approved July third, eighteen hundred ninety-one, being act number three hundred ninety-eight of the local acts of eighteen hundred ninety-one, be and the same is hereby amended so as to read as follows:

SEC. 3. The following described territory in said township shall constitute and be denominated election precinct number two (2), to wit: Entire sections numbered one (1), two (2), eleven (11), twelve (12), thirteen (13), fourteen (14), twenty-four (24), twenty-five (25) and thirty-six (36), and the east half of sections twenty-three (23), twenty-six (26) and thirty-five (35), in township number five (5) north of range number two (2) east, and all the rest and remainder of said township of Perry, being township number five (5) north and range number two (2) east, shall constitute and be denominated election precinct number one (1). Precinct number two. Precinct number one.

This act is ordered to take immediate effect.

Approved March 15, 1895.

## [ No. 334. ]

AN ACT to establish two polling places in the township of Port Austin, in the county of Huron.

SECTION 1. *The People of the State of Michigan enact,* To provide two polling places in the township of Port Austin.  
That there shall be two polling places in the township of Port Austin, in the county of Huron, one of which shall be at the village of Port Austin and the other at the village of Grindstone City.

SEC. 2. The electors living west of the north and south center line of township nineteen north, thirteen east, shall constitute the electors in precinct number one, and shall cast their votes at the polling place to be established at the village of Port Austin; and the electors residing east of the north and south center line of township nineteen north, thirteen east, Territory constituting each precinct.

shall constitute the electors in precinct number two, and shall cast their votes at the polling place to be established at the village of Grindstone City.

Board of registration and inspectors of election.

SEC. 3. The township board shall provide books for registration to be used in the two precincts, and the supervisor and two justices resident in precinct number one shall constitute the board of registration for the first registration under this act in precinct number one; and the township clerk and the two justices resident in precinct number two shall constitute the board of registration for the first registration under this act in precinct number two. The inspectors of election for precinct number one shall be the supervisor and clerk and the two justices resident in precinct number one, and the inspectors of election for precinct number two, shall be the two justices resident in said precinct with such other persons as may be chosen by the electors at the opening of the polls therein.

Other proceedings to be conducted according to general law.

SEC. 4. All other proceedings relative to registration and elections and the canvass of votes in said township of Port Austin shall be conducted in accordance with the general laws of the State now in force relative to the conduct, canvass and returns of elections.

This act is ordered to take immediate effect.

Approved March 15, 1895.

[ No. 335. ]

AN ACT to change the name of the village of Dushville in Isabella county to Winn.

Changing the name of the village of Dushville to Winn.

SECTION 1. *The People of the State of Michigan enact,* That the name of the village of Dushville, in the county of Isabella, be and the same is hereby changed to Winn.

This act is ordered to take immediate effect.

Approved March 15, 1895.

[ No. 336. ]

AN ACT to amend an act entitled "An act to reincorporate the city of Ann Arbor, revise the charter of said city, and repeal all conflicting acts relating thereto," being act number three hundred and thirty-one of the local acts of Michigan of eighteen hundred and eighty-nine, approved March fifteenth, eighteen hundred and eighty-nine, as amended by act number two hundred and sixty-two of the local acts of eighteen hundred and ninety-one, approved March twenty-eighth, eighteen hundred and ninety-one, as amended by act

number two hundred and eighty-two of the local acts of eighteen hundred and ninety-one, approved April tenth, eighteen hundred and ninety-one, and as amended by act number three hundred and sixty-eight of the local acts of eighteen hundred and ninety-three, approved April twenty-seventh, eighteen hundred and ninety-three, by amending sections two, five, seventeen, thirty-one, thirty-three, thirty-four, sixty-one, sixty-nine, seventy-seven, eighty-three, eighty-eight, ninety, one hundred and seven, one hundred and eleven and one hundred and thirty-three.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.  
That sections two, five, seventeen, thirty-one, thirty-three, thirty-four, sixty-one, sixty-nine, seventy-seven, eighty-three, eighty-eight, ninety, one hundred and seven, one hundred and eleven and one hundred and thirty-three of the charter of the city of Ann Arbor, be amended so that said sections when amended shall read as follows:

SEC. 2. The city shall be divided into seven wards, as follows: To divide into seven wards.  
The first ward shall embrace all that part of the city First ward.  
lying south of Huron street, east of Main street, west of State street and north of Madison street; the second ward shall Second ward.  
embrace all that portion of the city lying south of Huron street and Jackson avenue and west of Main street and the Ann Arbor and Lodi plank road; the third ward shall embrace all Third ward.  
that portion of the city lying north of Huron street and Jackson avenue, and south of the Huron river, and west of Fourth avenue, extending to the river Huron; the fourth ward shall Fourth ward.  
embrace all that portion of the city lying north of Huron street and of the line of Huron street as extended easterly to the city limits south of the river Huron and east of Fourth avenue; the fifth ward shall embrace all that portion of the city lying Fifth ward.  
northeast of the Huron river; the sixth ward shall embrace all Sixth ward.  
that portion of the city lying south of Huron street and of the line of Huron street as extended easterly to the city limits, and east of State street from its intersection with Huron street to its intersection with Monroe street and north of Monroe street from its intersection with State street to its intersection with East University avenue, and east of East University avenue from its intersection with Monroe street to its intersection with Hill street, and north of Hill street from its intersection with East University avenue to its intersection with Washtenaw avenue and northeasterly of Washtenaw avenue from its intersection with Hill street to the city limits; Seventh ward.  
the seventh ward shall embrace all that portion of the city lying east of Main street and the Ann Arbor and Lodi plank road, and south of Madison street from its intersection with Main street to its intersection with State street, and west of State street from its intersection with Madison street to its intersection with Monroe street, and south of Monroe street from its intersection with State street to its intersection with East University avenue and west of East University avenue from its intersection with Monroe street to its intersection

- with Hill street and south of Hill street from its intersection with East University avenue to its intersection with Washtenaw avenue and southwesterly of Washtenaw avenue from its intersection with Hill street to the city limits. The aforesaid divisions are made by the actual or supposed continuation of the center line of each of said division streets in the present direction thereof: *Provided*, That at least ten days before the first election in and for the additional ward created by this act the common council shall appoint three electors residing in the territory formed into the seventh ward, by this act, as inspectors of the first election therein, and cause notice to be given by the city clerk at least eight days previous to said election in manner prescribed by section eight of the charter of the city of Ann Arbor. Such notice shall state the time and place in the said seventh ward of holding said first election, and of the city and ward officers to be elected, and of the time and place in said ward where the said inspectors of election will meet on the Wednesday next preceding said first election to make a registration of the electors in said seventh ward, and that no person unless registered in the registry book of said ward will be permitted to vote at such election. The inspectors of election, appointed as herein provided, shall constitute a board of registration for said seventh ward, for the purpose of making the first registry of the electors therein. They shall take and file with the city clerk the constitutional oath of office and shall meet in the said seventh ward on the days and times and at the place appointed in the notice of said first election and there make a registry of all persons in said ward who are qualified electors in accordance with the general laws of the State of Michigan and the provisions of the charter of said city in force at the time of said registration. Such registry when completed shall be the registry of the electors of said seventh ward. Said inspectors of such first election in said seventh ward shall have the same powers, perform the same duties at, and conduct such election as nearly as may be in accordance with the provisions of the charter of said city, except as herein otherwise provided.
- Proviso.** SEC. 5. At all elections in said city every elector shall vote in the ward where he shall have resided during twenty days next preceding the day of election. The residence of any elector, not being a householder, shall be deemed to be in the ward in which he rooms and lodges.
- Notice of first election.** SEC. 17. At all charter elections, the polls shall be open in each ward at the several places designated by the common council at seven o'clock in the morning and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors of election shall cause proclamation to be made of the opening and closing of the polls.
- Board of registration.** SEC. 31. The following officers shall be appointed by the mayor, subject to the approval of a majority of the members elect of the common council, viz., a city treasurer, a city attorney, members of the board of public works, members of the board of fire commissioners and members of the board of
- Where to vote.**
- Polls.**
- Appointive officers.**

health. The common council may also from time to time provide by ordinance for the appointment, and appoint for such term as may be provided in any such ordinance, such other officers whose election or appointment is not herein specially provided for, as the common council shall deem necessary for the execution of the powers granted by this act and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.

SEC. 33. The mayor, president of the common council, city clerk, assessor and aldermen shall hold their offices for the term of two years from the second Monday in April in the year when elected, and until their successors are elected and qualified: *Provided*, That in said seventh ward created by this act, there shall be elected at the first charter election held after the passage of this act, two aldermen, one for the term of one year and one for the term of two years from the second Monday in April of the year when elected, and until their successors are elected and qualified. The term of each shall be designated by the ballots cast for him, and each year thereafter one alderman shall be elected in said ward.

Mayor, president of council, city clerk and alderman, term of.

*Provided*.

SEC. 34. The supervisors and constables shall hold their offices for the term of one year from the second Monday in April of the year when elected, and until their successors qualify and enter upon the duties of their offices. The justices of the peace shall be elected for the term of four years from the fourth day of July next after their election, one to be elected each alternate year.

Supervisors and constables, term of.

#### CHIEF OF POLICE.

SEC. 61. The mayor shall appoint a city marshal, who shall be the chief of police of the city and shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the common council made for the preservation of quiet and good order, and for the safety and protection of the inhabitants of the city, are promptly enforced, and when he shall know or learn of the violations of any ordinance of the city or penal statute of the State, it shall be his duty to enter complaint before one of the justices of the peace of said city, and to do whatever shall be necessary to bring the offender to justice. He shall have the same power to serve and execute all process issued by any justice of the peace of said city in behalf of said city, or of the people of the State, for offenses committed within said city as sheriffs or constables have by law to serve and execute similar process, and shall suppress all riots, disturbances and breaches of the peace, and for that purpose may command the aid of all citizens in the performance of such duty. He shall arrest all disorderly persons in the city, and pursue and arrest any person fleeing from justice in any part of the State. He may arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State

Marshal to be chief of police.

Duty of.

Power of.

Mayor to ap-  
point policemen  
or night watch-  
men.

or the ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial. The mayor shall appoint such numbers of policemen or night watchmen as the common council may deem necessary for the good government of the city and for the protection of the persons and property of the inhabitants thereof, and may appoint such special policemen from time to time as the common council may authorize, when in his judgment the emergency or necessity may so require, and may provide for and appoint subordinate officers for the police and night watchmen.

#### COMPENSATION OF OFFICERS.

Compensation  
of mayor,  
Clerk.

City attorney.

Treasurer.

Proviso.

Marshal.

Assessor.

Justices.  
Constables.

Supervisors, etc.

Further proviso.

Officers to at-  
tend meetings  
of council.

Mayor may re-  
move certain  
officers.

SEC. 69. The officers of said corporation shall be entitled to receive out of the city treasury the following sums in full payment of their services. The mayor shall be paid one dollar per annum; the city clerk shall receive such sum as the common council shall determine, not exceeding one thousand dollars per annum; the city attorney shall be entitled to receive such sum as the common council shall allow not exceeding six hundred dollars per annum, which shall be in full for all services; the treasurer shall be entitled to receive such sum as the common council shall allow, not exceeding one hundred dollars per annum: *Provided*, That the said treasurer shall be entitled to receive, in addition to such salary, the fees hereinafter provided for collecting the taxes to be levied and collected in said city. The marshal shall be entitled to receive such compensation, not exceeding eighty-three and thirty-three one hundredths dollars per month, as the common council shall allow; the assessor shall receive such compensation as the common council shall allow, not exceeding one thousand dollars per annum; the justices of the peace and the constables shall be allowed the same fees as are by law allowed to corresponding township officers; supervisors and all other officers of said city shall be entitled to receive such compensation as the common council shall allow, not exceeding two dollars per day for every day actually employed in the performance of the duties of their respective offices: *Provided further*, That the common council may increase the compensation of any officer whenever authorized thereto by a majority vote of the qualified electors of the said city voting at any annual charter election, ten days notice having been given of the proposed increase.

SEC. 77. The city attorney, city marshal and street commissioner shall attend all meetings of the council, and the council may require the attendance of any other city official at any session thereof.

SEC. 83. The city marshal and any policeman or night watchman appointed to office by the mayor, by authority of this act, may be suspended or removed by the mayor, and in case of the suspension or removal of any such officer, the mayor shall present to the common council, at its next regular meeting, his reasons for such suspension or removal, in writing, which shall become a part of the records of such meeting.

Any other officer appointed by the mayor may be suspended or removed by him, by and with the consent of the majority of the members elect of the council, and the council may expel any alderman or remove from office any person elected thereto, except justices of the peace, by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, provision shall be made by ordinance for preferring charges and trying the same, and no removal of any elective officer shall be made unless a charge in writing is preferred, and opportunity given him to make defense thereto.

May remove with consent of council.

Exceptions.

SEC. 88. *Subdivision second.* To restrain and prevent disorderly and gaming houses and houses of ill fame, and to seize and destroy all instruments and devices used for gaming, and to prohibit all mock auctions, gaming and fraudulent practices and devices, and to regulate and restrain billiard tables and bowling alleys.

To restrain and prevent disorderly and gaming houses.

*Subdivision twelfth.* To arrest and punish drunkards and persons found drunk in the streets, lanes, alleys and public places of said city, disorderly persons, vagrants, common prostitutes, street walkers, mendicants, street beggars and persons soliciting alms and subscriptions for any purposes whatever.

To arrest and punish.

*Subdivision twenty-third.* To regulate sextons and undertakers for burying the dead, cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters and chimney sweeps, and their fees and compensation; and to make regulations for preventing auctions, peddling, pawnbrokerage, or using for hire carts, drays, cabs, hacks or any kind of carriage or vehicle, or opening or keeping any tavern, hotel, victualing house, saloon or other house or place for furnishing meals, food or drink, or billiard tables or ball alleys, without first obtaining from the common council license therefor; for licensing and regulating carts, drays, cabs, hacks, and all carriages or vehicles kept or used for hire; for licensing and regulating auctioneers, peddlers, pawnbrokers, junk dealers, dealers in second-hand goods and merchandise, and transient tradesmen, auctions, peddling, pawnbrokerage, taverns, hotels, victualing houses, restaurants, saloons or other houses for furnishing meals, food or drink, and keepers of billiard tables and ball alleys not used for gaming. Whoever occupies any premises within the city of Ann Arbor, for a temporary period only, and is not assessed for taxes in said city, and who offers for sale goods, wares, or merchandise, is hereby defined and declared to be a transient tradesman.

Sextons, cartmen, scavengers, porters, chimney sweeps, to regulate fees of.

License required.

*Subdivision twenty-four.* To regulate, license and control hackmen, omnibusmen, porters, runners and all others soliciting passengers and others to ride in any hack, omnibus or carriage, or upon any railway, or to go to any hotel or other place, and to prevent said hackmen, omnibusmen, porters and runners from entering within any railroad station at such times as the common council may determine.

To regulate, license and control hackmen and porters.

SEC. 90. Whenever, by the provisions of this act, the common council shall be authorized to pass ordinances for any

Power to determine by ordinance, punishment for violation.

purpose, they shall have power to determine by ordinance the punishment of all persons convicted of any violation of the same, by imprisonment at hard labor or otherwise, and they may prescribe fines, imprisonment, penalties and forfeitures for the violation of the same not exceeding one hundred dollars or imprisonment not exceeding ninety days, or both, in the discretion of the court. Such imprisonment may be in the common jail of the county of Washtenaw, in the city lockup or in the Detroit House of Correction. The fine, penalty or imprisonment, for the violation of any ordinance, shall be prescribed therein, and during such imprisonment all such offenders may be kept at hard labor. And they may also be kept at hard labor during all that time that they are imprisoned in default of the payment of any fine imposed for the violation of such ordinance.

May be imprisoned where.

May be kept at hard labor.

Council may provide by ordinance for a police force.

SEC. 107. The common council of said city may provide by ordinance for a police force, and for the appointment by the mayor of such numbers of policemen or night watchmen as they may deem necessary for the good government of the city, and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time when, in his judgment, the emergency or necessity may so require, and may provide for and appoint subordinate officers for the police and night-watchmen.

Mayor may suspend or remove for misconduct.

SEC. 111. The mayor may suspend or remove from office any policemen or night watchmen for misconduct or other cause at any time, as provided in section eighty three of this act, as amended. When employed in the performance of duty the policemen shall receive such compensation therefor from the city as the common council shall prescribe.

In case of judgment against city.

SEC. 133. Whenever any action shall have been maintained and judgment recovered against said city by any person on account of damages sustained by reason of any defective sidewalk, or opening in the same, occasioned by the wrong or negligence of the owner or occupant of the premises, in front of which said sidewalk shall be, or by reason of said owner or occupant suffering any such sidewalk to become and be out of repair, so that the same shall not be in a condition reasonably safe and fit for travel, or on account of any excavation in the street by any gas, hydraulic or railroad company, and such owner, occupant or company shall have been reasonably notified of the pendency of any suit brought against said city to recover such damages, and shall have been requested to appear and defend such suit, the judgment, if any recovered against said city on account of any such sidewalk being defective or out of repair, shall be conclusive evidence of the liability of such owner or occupant, or company, to such city, and as to the amount of damages, and the same may be recovered by the said city in an action for money paid for the use of said owner, occupant or company, or in any other proper form of action.

How recovered from owner or occupant.

This act is ordered to take immediate effect.

Approved March 15, 1895.



[ No. 337. ]

AN ACT to amend sections two and four of chapter four, section fifty-nine of chapter seven, sections one, six, seven and eight of chapter ten, and section twenty-seven of chapter eleven, of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.  
That sections two and four of chapter four, section fifty-nine of chapter seven, sections one, six, seven and eight of chapter ten and section twenty-seven of chapter eleven of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three, be and the same are hereby amended to read as follows:

## CHAPTER IV.

SEC. 2. There shall be appointed by the common council on the nomination of the mayor, a controller and a receiver of taxes, who shall hold their offices for the term of three years respectively, beginning on the first day of July in each case. Officers appointed on nomination of mayor, term of office of, etc.  
The common council shall also appoint such other officers as are provided by this act to be appointed by them on the nomination of the mayor, and also such members of the respective boards and commissions of said city as is directed by the several acts providing for said boards and said commissions. The city controller shall appoint a deputy controller, who shall file an official bond, in such sum and with such sureties as the common council may direct and approve, before entering upon the duties of his office. Deputy controller.  
Such deputy shall assist the controller in the performance of the duties of his office, and in case of the inability of the controller to perform his duties by reason of sickness, absence from city or other sufficient cause, or in case of vacancy in the office of controller, he shall be vested with all the powers and perform all the duties of controller until the disability of the controller shall cease, or in case of vacancy until the vacancy be filled. Duties of.  
The city clerk shall appoint a deputy city clerk, who shall file an official bond before entering upon the duties of his office in such penal sum as the common council may direct, and with sureties approved by them, and shall, in the absence or inability of the city clerk, be vested with all the powers and perform all the duties of the clerk, and in case of vacancy in the office of city clerk, the deputy city clerk shall continue to perform the duties of the office of city clerk until the next regular election, when the vacancy may be filled. Deputy city clerk duties of.  
The city treasurer shall appoint a deputy city treasurer, who shall assist him in the performance of the duties of his office, and who shall in the absence or

inability of the city treasurer be vested with all the powers and perform all the duties of city treasurer, and who shall file an official bond in such penal sum as the council may direct and with sureties to be approved by them, and in case of the death or removal of the city treasurer, or vacancy from other cause, the deputy city treasurer shall perform the duties of the office of city treasurer until the next regular election, when the vacancy shall be filled. If the mayor should fail to nominate or appoint any officer, or the member of any board or commission, the appointment or nomination of whom is vested in the mayor, within fifteen days after the expiration of the term of office or after a vacancy shall occur, the common council shall appoint such officer or member of such board or commission: *Provided*, That if the mayor shall make a nomination within said fifteen days, and the council reject the same, he may make another nomination or nominations, but not more than fifteen days shall elapse between such rejection and new nomination. Any vacancy existing at the time this act shall take effect shall be filled by the common council.

**City engineer.** SEC. 4. The city engineer shall be appointed by the board of public works for the term of three years beginning on the first day of July. His compensation shall be fixed by said board, and it shall prescribe his duties, excepting as the same may be regulated by law or ordinance.

## CHAPTER VII.

**Fees of jurors, witnesses, etc.** SEC. 59. Said council shall also have power to fix and regulate the fees of jurors and witnesses, in any proceeding under any act relating to said city, or under any ordinance of the said council, to assess, levy and collect taxes for the purposes of the corporation, upon all property made taxable by the law for State purposes, which taxes shall be liens upon the property taxed till paid; to make regulations for assessing, levying and collecting the same, and to sell the property taxed to pay the taxes thereon; to appropriate moneys; provide for the payment of the debt and expenses of the said city, and to make regulations concerning the same; to provide for calling meetings of the inhabitants of said city by public notice thereof, fixing the time and place for meeting; to enact all ordinances necessary to carry into effect the powers conferred by law upon said council; the said council may also provide for printing and publishing all matters required to be printed and published under this act, or by order of the common council, in such manner as said council may prescribe; but for all the printing, including proceedings of the council, ordinances, and notices of sales for taxes, in newspapers published in any language other than the English, the amount which may be paid shall not exceed three thousand dollars in any one year, and notices and other advertisements published in said city shall be printed in the newspapers with whose publishers yearly contracts have been made.

**Taxes.**

**Payment of debts.**

**Meetings of inhabitants.**

**Ordinances.**

**Printing.**

## CHAPTER X.

SECTION 1. There shall be three assessors appointed by the common council on the nomination of the mayor, who will be known as the board of assessors, and who shall hold their offices for the term of three years, beginning on the first day of July, one of whom shall be appointed annually. The assessors shall devote their whole time to the duties of their office and shall receive such compensation as the common council may determine. The member of the board whose term of office shall soonest expire shall be its president for the last fiscal year of his term of office. The board shall appoint a secretary who shall keep a record of the proceedings of said board at its session, and of the proceedings of the board of review. Whenever any communication, report or certificate shall be required to be signed or verified by the signature of said board, it shall be sufficient if the same be signed "by order of the board of assessors," by president of such board, with the addition of the name of his office.

Board of assessors, term of office of etc.

Officers of board.

## CHAPTER XI.

SEC. 27. Moneys shall not be transferred from one fund to another, except as hereinafter provided, and the moneys received and properly belonging to one fund shall not be credited to any other or different fund, excepting to the sinking fund, as above provided. Moneys received from liquor taxes shall be credited to the contingent fund, metropolitan police fund, public health fund and poor fund, in such proportions as the common council shall direct. The controller, for convenience, shall have power to divide the several funds above constituted into special funds, to defray special expenses, belonging to the same class of expenses for the payment of which said several funds are above constituted. The common council shall provide for the maintenance of the board of health of said city, and the payment of its expenses during the remainder of the fiscal year ending July first, eighteen hundred ninety-five, by borrowing by temporary loans such sums as may be certified to the common council by the said board to be necessary for the purposes aforesaid. Said temporary loan to be repaid from the moneys received during the present fiscal year from liquor taxes, or if such receipt be insufficient, then from any other moneys in the city treasury. No tax roll shall be held to be void, for the reason that an estimate of the amount of money necessary to be raised for any particular fund was not made by any officer, board or commission authorized or required by law to make an estimate for such purpose, within the time specified by law for the making of such estimate, provided such estimate shall be transmitted to the common council in time for the same to be acted upon by the common council and board of estimates. The board of health of said

Transfer of moneys from one fund to another.

Council shall provide for the maintenance of the board of health.

Board of health  
to have control  
of city hospi-  
tals.

Estimate the  
amount of  
money neces-  
sary to be  
raised by tax.

Proviso.

Proviso.

city shall have control and possession of all city hospitals, buildings and offices pertaining to the health department of said city, and shall annually on or before the fifteenth day of February make an estimate of the amount of money necessary to be raised for the maintenance of said board and for the preservation of the public health for the ensuing fiscal year, which estimate shall be certified to the common council, and it shall be the duty of said council to cause the amount of money mentioned in said estimate to be placed upon the tax rolls and raised by general tax at the same time as other sums are raised by general taxation for the next fiscal year: *Provided*. That if the said estimate shall exceed fifty thousand dollars, only so much thereof in excess of fifty thousand dollars as shall be approved by the common council and board of estimates shall be levied in any one year. *And provided further*, That the council may by transfer from the contingent fund as above mentioned, provide for the amount of money required to be raised for the purposes of public health fund, or for any part thereof, in lieu of raising the same by taxation. The city treasurer shall place to the credit of the board of health the sum of twelve thousand dollars for the maintenance of said board, for the remainder of the fiscal year ending June thirtieth, eighteen hundred ninety-five, and for the payment of any existing outstanding liabilities, by transfer to the public health fund from any other funds in the city treasury, and the same shall be paid out on the checks of the board of health in the manner now provided by law for payment from the public health fund. The common council may replace the moneys so transferred by temporary loan to be repaid from liquor taxes paid in to the credit of the contingent fund.

This act is ordered to take immediate effect.

Approved March 15, 1895.

[ No. 338. ]

AN ACT to detach Bois Blanc island from the township of Holmes, in the county of Mackinac, in the State of Michigan, and to organize the same into the township of Bois Blanc in said county.

Township of  
Bois Blanc  
organized.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory, to wit: The entire island of Bois Blanc, in Lake Huron, now forming a part of the township of Holmes, in the county of Mackinac, in the State of Michigan, be and the same is detached from the residue of the above named township, and organized into a separate township to be known as the township of Bois Blanc.

First annual  
meeting.

SEC. 2. The first annual meeting of said township of Bois Blanc shall be held on the first Monday in April next in the

same building in which is located the Point Aux Pins post-office, on said Bois Blanc island, and John Green, Peter T. Johnson, August Johnson and Allen Montross are hereby made and constituted a board of inspectors of said township election, and at such election the qualified electors shall choose by ballot persons to fill the various township offices in manner and form as provided by the general laws of this State in case of township elections. Board of inspectors of election.

SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time and place specified for holding the same, it shall be lawful to hold the same at any time thereafter by giving at least five days notice of the time and place of holding such meeting, by posting notice thereof in four public places in said township, which notice may be given by said board of inspectors of election or a majority of them. Idem.

SEC. 4. If for any reason all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting at the time specified, it shall be lawful for the electors of said township, who shall be present at the time and place designated for opening the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election, in place of such inspectors who shall neglect or be unable to attend said meeting. In case of absence of inspector.

SEC. 5. And the said John Green, Peter T. Johnson, August Johnson and Allen Montross, or a majority of them, shall constitute a board of registration with like powers and duties of township boards of registration in other cases, and the holding of the session of said board of registration shall be in the same building in which is located the Point Aux Pins postoffice, on said Bois Blanc island, on the Saturday preceding said election. Board of registration, who to constitute.

SEC. 6. And the said John Green, Peter T. Johnson, August Johnson and Allen Montross are hereby made and constituted a board of election commissioners, whose duty it shall be to prepare the ballots used at said election and perform such other duties as are required of election commissioners under the general election laws of this State. Place of holding session.

This act is ordered to take immediate effect. Board of election, duties of.

Approved March 15, 1895.

[ No. 339. ]

AN ACT to detach certain territory from the township of Rock River, Onota and Matthias, in the county of Alger, and to organize the township of Limestone.

SECTION 1. *The People of the State of Michigan enact,* Territory detached.  
That sections one, twelve and thirteen, and south half of town-

Organized into  
separate town-  
ship.

First annual  
meeting, when  
and where  
held.

Inspectors.

Board of regi-  
stration, who to  
constitute.  
When to meet.

Notice to be  
given.

In case the elec-  
tion is not held  
at appointed  
time.

Notice, how  
given.

ship forty-five north of range twenty-one west, and forming a part of the township of Rock River, the south half of township forty-five north of range twenty-two west, and forming a part of the township of Onota, and township forty-four north of range twenty-two west, and forming a part of the township of Matthias, be and the same are hereby detached from the said townships of Rock River, Onota and Matthias, respectively, and organized into a separate township to be known as the township of Limestone.

SEC. 2. The first annual meeting of said township of Limestone shall be held at the dwelling house of Christ Blohm on the first Monday of April next, and Gust T. Blohm, Christ Blohm, John McKinnon and Carl Born are hereby authorized to act as the first inspectors of said election to elect township officers, and in case of vacancy or vacancies in the said number of inspectors from absence or otherwise, the electors present shall fill the vacancy or vacancies by viva voce vote.

SEC. 3. W. H. Robinson, S. H. Huber and Gust T. Blohm are hereby appointed and constituted a board of registration, which board shall meet at the dwelling house of Christ Blohm, in said township, on the Saturday preceding the first Monday in April, in the year A. D. eighteen hundred ninety-five, for the purpose of registering voters for the first election to be held in the said township of Limestone, and shall register the names of all persons residing in said township presenting themselves for registration and having the qualifications of voters at annual township meetings, due notice of which shall be given by said board in manner and time as provided by the general laws of this State. Said township shall in all respects, not herein otherwise provided, be governed by the laws of this State governing townships.

SEC. 4. If said township election shall not be held at the time herein appointed, it shall be lawful to hold the same at such time and place in the said township as may be designated by said board of inspectors by giving at least ten days notice thereof by posting the same in four of the most public places in said township which notice the said board of inspectors are hereby authorized and required to give.

This act is ordered to take immediate effect.

Approved March 15, 1895.

[ No. 340. ]

AN ACT to authorize the county of Schoolcraft to raise by loan the sum of three thousand dollars for the purpose of laying out and constructing a highway leading from the village of Manistique to the village of Seney in said county, and to provide for the construction of the same.

Amount to be  
raised by loan,  
purpose of.

SECTION 1. *The People of the State of Michigan enact.* That the county of Schoolcraft be authorized to raise by loan

the sum of three thousand dollars for the purpose of laying out and constructing a highway, leading from the village of Manistique in said county, to the village of Seney in said county, but no such money shall be raised or loan made unless the same shall be authorized by a vote of the electors of said county of Schoolcraft, voting thereon at the annual spring election, or at a general election, or at a special election called for that purpose.

Shall not be raised unless authorized by vote.

SEC. 2. Notice of said election shall be given and said election shall be held, returns made and votes canvassed in the same manner as provided in sections four hundred ninety, four hundred ninety-one and four hundred ninety-two of Howell's annotated statutes of Michigan for the year eighteen hundred eighty-two; except that it shall not be necessary for the board of supervisors to provide for submitting such proposition to the electors at the time of holding the annual township meeting for the year eighteen hundred ninety-five, but the chairman of said board of supervisors shall cause notice to be given of the submission of such proposition at the time of holding the annual township meeting for the year eighteen hundred ninety-five, in the manner provided in sections four hundred ninety, four hundred ninety-one and four hundred ninety-two of Howell's annotated statutes of Michigan.

Election, how held.

Chairman shall cause notice to be given.

SEC. 3. At the next meeting of the board of supervisors of said county after the electors of said county have voted in favor of said loan, the said board of supervisors shall elect three commissioners for a term of two years, each of whom shall be an elector of said county. Said commissioners when so elected, shall have the supervision and control of the laying out and construction of said highway, leading from the village of Manistique to the village of Seney in said county, subject always to the direction of the board of supervisors of said county, and said commissioners shall proceed at once to lay out and determine upon the line of said highway and procure grants of the right of way for said highway: *Provided, however,* That no part of the money authorized by this act to be raised shall be paid for said right of way.

Board of supervisors to appoint commissioners.

Duty of.

Provided.

SEC. 4. If said loan shall be authorized by a vote of the electors of said county, voting thereon at any such election, the board of supervisors of said county may order issued the bonds of said county to secure the payment of said loan and interest thereon, and the said board of supervisors shall levy taxes upon said county of Schoolcraft for the payment of said loan and interest as the same may become due: *Provided,* That no such bonds shall be issued or loan made until the grant of the right of way for said highway shall have been secured as hereinbefore provided.

May order the issue of bonds.

Provided.

SEC. 5. The money raised by loan as provided in this act shall be paid into the treasury of said county of Schoolcraft and drawn therefrom only upon the order of said commissioners and for the purpose provided in this act. All money raised by loan as provided in this act and which shall remain in the

Money raised shall be paid in to the treasury. How drawn.

treasury after the completion of said highway, shall be transferred to the contingent fund of said county.

Commissioners may take control of and improve existing highways.

SEC. 6. Such commissioners may take control of and improve any existing highway in the line of the route determined upon. Said highway, when so constructed from the village of Manistique to the village of Seney and completed, shall be under the control of the respective townships through which it passes, and it shall be the duty of said townships to keep the same in repair.

Compensation.

SEC. 7. The commissioners provided for in this act shall receive such compensation as shall be provided by the board of supervisors of said county.

This act is ordered to take immediate effect.

Approved March 16, 1895.

[ No. 341. ]

AN ACT to authorize the board of supervisors of Alpena county to bond said county for the sum of one hundred thousand dollars for a period not to exceed forty years for the construction and maintenance of county roads.

To submit the question of bonding the county.

Purpose of.

Proviso.

Ballot, what to state.

If carried, board to issue bonds.

To provide for payment of bonds.

Money raised, how expended.

SECTION 1. *The People of the State of Michigan enact,* That at the next general election, if held within sixty days after the passage of this act, or in a special election to be held within sixty days after the passage of this act, the question to bond the county of Alpena for one hundred thousand dollars for the construction and maintenance of county roads, as provided by act one hundred forty-nine of public acts of eighteen hundred ninety-three, shall be submitted to the electors of said county: *Provided,* That notice of the submission of such resolution to the vote of the electors shall be given ten days before such election. The manner of stating the question upon the ballot shall be "Shall the county issue bonds for one hundred thousand dollars for county roads? Yes." "Shall the county issue bonds for one hundred thousand dollars for county roads? No." If such resolution shall be carried at such general or special election, the board of supervisors of said county are hereby authorized to issue bonds of said county for one hundred thousand dollars, and said bonds shall come due and payable within forty years from the date of issue, in such manner and form as shall be determined by the board of supervisors. No bond shall be negotiated at less than par, and the accrued interest. The board of supervisors are hereby authorized, empowered and shall provide for the payment of such bonds and interests by tax upon the real and personal property of said county. All money raised by the provisions of this act shall be expended for the construction and maintenance of



county roads under the direction of the board of county road commissioners.

This act is ordered to take immediate effect.

Approved March 15, 1895.

[ No. 342. ]

AN ACT to legalize the action of fractional school district number two, townships of Mayfield and Deerfield, in Lapeer county, in voting to borrow four hundred and fifty dollars, to issue bonds therefor and to authorize such loan and issue of bonds.

SECTION 1. *The People of the State of Michigan enact,* Action of elect-  
ors legalized.  
That the action of fractional school district number two, townships of Mayfield and Deerfield, in Lapeer county, in voting to borrow four hundred and fifty dollars, to take up its outstanding indebtedness by an issue of bonds, is hereby legalized and authorized.

SEC. 2. The bonds by this act authorized to be issued, shall Bonds.  
be made payable in five years from date, and may draw not to exceed six per cent interest; and the proceeds therefrom shall be used to pay the outstanding indebtedness of said school district number two, townships of Mayfield and Deerfield, and for no other purpose. Such bonds shall be duly executed by the proper officers of the district.

This act is ordered to take immediate effect.

Approved March 20, 1895.

[ No. 343. ]

AN ACT to provide for two voting precincts in the township of Whitefish, in the county of Chippewa, and the conduct of elections thereat.

SECTION 1. *The People of the State of Michigan enact,* Voting places  
established.  
That there shall be two voting places for the conduct of township meetings, and general and special elections in the township of Whitefish, in the county of Chippewa.

SEC. 2. The following described territory, to wit: Town-  
ship forty-nine and fifty north, six west, and forty-nine and  
fifty north, seven west, shall constitute voting precinct number  
one, and townships forty-seven and forty-eight north, six west,  
and forty-seven and forty-eight north, seven west, shall consti-  
tute voting precinct number two. The voting place for pre-  
cinct number one shall be at the village of Edwards at the Boundaries of  
precinct num-  
ber 1.  
Precinct num-  
ber 2.  
Voting places.

	mouth of the Shelldrake river and the voting place for precinct number two shall be at the village of Emerson, in section twenty-two, township forty-eight north, six west.
Board of election, precinct number 1. Precinct number 2.	SEC. 3. The present township officers who are authorized by law to conduct elections shall attend to and conduct the elections for precinct number one, and Wm. Wallace, George Rogers, Frank Thaller and F. B. Chesbrough shall be inspectors of the first election to be holden in precinct number two.
Board of registration.	William Wallace, George Rogers and F. B. Chesbrough shall constitute the first board of registration for precinct number two.
Notice of division of townships.	SEC. 4. Ten days prior to the annual township meeting in eighteen hundred ninety-five, the clerk of said township of Whitefish shall give public notice of the division of said township into two voting precincts by posting notices thereof, written or printed, in the same manner as is provided by law for notices for the first election in newly organized townships.
Notice, what to contain.	SEC. 5. The township board of the township of Whitefish shall designate by written or printed notices, duly posted, the particular places or buildings at which the election shall be held in each of the precincts into which the said township of Whitefish is divided by this act.
New registration of voters.	SEC. 6. There shall be an entire new registration of all the voters of said township of Whitefish prior to the next annual township meeting held therein.
Registration books.	SEC. 7. The township board of said township shall provide, at the expense of said township, two books in which to register the qualified voters of said township, one of which shall be used for voting precinct number one, and the other for voting precinct number two, in which shall be registered the names of the qualified voters of the respective precincts as provided by law.
Time of meeting of boards of registration.	SEC. 8. The boards of registration shall meet at the places fixed by the township board for holding elections in the respective precincts on the two Saturdays next preceding the next township meeting, and thereafter shall hold meetings as provided by law at all general and special elections of said township; the board of inspectors of elections in each precinct shall have and exercise the same power in respect to registering voters on election day in their respective precincts as is conferred upon inspectors of elections by existing laws.
Elections hereafter to be held.	SEC. 9. The elections hereafter to be held in the two precincts into which the township of Whitefish is hereby divided shall be conducted and the votes thereat canvassed and the returns made in accordance with the provisions of act number two hundred fifty-seven, session laws of eighteen hundred seventy-seven, as amended by the several acts amendatory thereof.

This act is ordered to take immediate effect.

Approved March 20, 1895.

## [ No. 344. ]

AN ACT to enlarge the boundaries of the village of Hancock, county of Houghton, State of Michigan, by adding certain lands thereto and including the same within the corporate limits of said village.

SECTION 1. *The People of the State of Michigan enact,* <sup>Territory attached.</sup>  
That all that tract of country situated in the townships of Hancock and Quincy in the county of Houghton, known and designated on the plats in the land office of the upper peninsula district as: a part of lot number three and all of lots number one and two in section thirty-five, lot number one and a part of lot number two of section thirty-four, a part of the south half of the southeast quarter of section twenty-seven, and a part of the south half of the south half of section twenty-six, all in town fifty-five north of range thirty-four west, as more particularly described by metes and bounds as follows: Commencing at a point which is one hundred and eighty-eight and nine-tenths feet south of the south one quarter post of said section twenty-seven on the north shore of Portage lake, thence north on the north and south quarter section line of section twenty-seven and thirty-four, a distance of seven hundred and forty-five and five-tenths feet, thence deflecting one hundred and fifteen degrees, thirteen minutes and thirty seconds to the right a distance of eight hundred and forty-two and twenty-eight one-hundredths feet, thence deflecting three degrees thirty-nine minutes and thirty seconds to the left a distance of five hundred and eighty-five and fifty-five one-hundredths feet, thence deflecting one hundred and ten degrees and eight minutes to the left a distance of eleven hundred and seventy-five and sixty-six one-hundredths feet to a point where the west boundary line of the southeast one-quarter of the southeast one quarter of section twenty-seven intersects the north boundary line of the Mineral Range railroad right of way thence southeasterly along the north boundary of said right of way a distance of seventeen hundred and four and forty-four one-hundredths feet to a point where said boundary of said right of way intersects the east section line of section twenty-seven, thence north on said section line a distance of one hundred and eighteen and ninety-four one-hundredths feet, thence east at an angle of ninety degrees a distance of eight hundred and thirty-three and twelve one-hundredths feet, thence deflecting no degrees and fifty-seven minutes to the left a distance of sixteen hundred and eighty-seven and sixteen one-hundredths feet, thence deflecting fifteen degrees to the left a distance of seven hundred and forty-five and forty-five one-hundredths feet, thence deflecting nine degrees and twenty-five minutes to the right a distance of six hundred and sixty-seven and five-tenths feet to a point on the east boundary line of reservation street extended, thence deflecting ninety degrees to the right, along east boundary line of reservation street a distance of three hundred and eighty-five feet,

thence deflecting ninety degrees to the left a distance of eighty-six feet, thence deflecting ninety degrees to the right a distance of fifty feet, thence deflecting ninety degrees to the right a distance of eighty-six feet, thence deflecting ninety degrees to the left a distance of sixty feet, thence deflecting ninety degrees to the left a distance of eighty-six and five-tenths feet, thence deflecting eighty-eight degrees and twenty-three minutes to the right a distance of two hundred and thirty-nine and ninety-six one-hundredths feet, thence deflecting one hundred and seven degrees and thirty-seven minutes to the right a distance of ninety-six and five-tenths feet to the east boundary line of reservation street, thence southerly along the east boundary line of reservation street to the north shore of Portage lake, thence westerly along the north shore of Portage lake to the point of beginning, be and the same is hereby constituted a town corporate, by the name of the village of Hancock.

General laws to govern, etc.

SEC. 2. The said village of Hancock is hereby made subject to the provisions of [the] this act entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February twentieth, eighteen hundred ninety-five.

This act is ordered to take immediate effect.

Approved March 20, 1895.

[ No. 345. ]

AN ACT to incorporate the city of Tawas City, in the county of Iosco, and to repeal all acts and parts of acts inconsistent therewith.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact,* That the territory in the county of Iosco and State of Michigan described as follows, to wit: Fractional sections thirty and thirty-one, in township number twenty-two (22) north of range eight (8) east, and the southeast quarter of the northeast quarter, the southeast quarter and the southeast quarter of the southwest quarter of section twenty-five (25), and lots one (1), two (2), three (3) and four (4), and the northwest quarter of the northeast quarter of section thirty-six (36), all in township number twenty-two north of range seven (7) east, be and the same is hereby incorporated as the city of Tawas City.

Division into wards.

SEC. 2. The said city shall be divided into three wards, as follows:

First ward.

The first ward shall embrace all the territory of the said city lying north of the center line of First street, and of said line prolonged southeasterly into Tawas bay.

Second ward.

The second ward shall embrace all the territory lying between the center line of said First street and a line described as follows: Commencing at the intersection of the center line of Whittemore street and the shore of Tawas bay, thence along

said center line of Whittemore street to the center line of State street, thence along said center line of State street to the center line of Seventh avenue, thence south along the center line of said Seventh avenue to a point opposite the line between lots ten (10) and eleven (11) in block thirty (30), thence to the intersection of the center lines of Eighth avenue and Third streets, thence west along the center line of Third street to the west boundary line of the said city of Tawas City.

The third ward shall embrace all the territory of the city of Tawas City as described in the first section of this act, that is not included in the first and second wards. Third ward.

SEC. 3. The said city of Tawas City shall in all things not herein otherwise provided be governed, and its powers and duties defined and limited by an act entitled "An act for the incorporation of cities," being act number one hundred seventy-eight of the session laws of eighteen hundred and seventy-three, approved April twenty-ninth, eighteen hundred and seventy-three, the same being chapter eighty of Howell's annotated statutes of eighteen hundred and eighty-two of the State of Michigan, and all acts amendatory thereto, which act is hereby made and constituted a part of the charter of the said city of Tawas City, except as herein otherwise provided. General laws to govern.

SEC. 4. The first election in said city shall be held on Friday, the fifth day of April in the year of our Lord eighteen hundred and ninety-five, and the manner of holding said election and the giving of notice thereof shall be the same as near as may be as is prescribed in sections eleven, twelve, thirteen and fourteen of chapter one of said act, entitled "An act for the incorporation of cities," approved April twenty-ninth, in the year of our Lord eighteen hundred seventy-three, and all acts amendatory thereto. First election.

SEC. 5. The following officers shall be elected by the qualified electors of said city: A mayor, a clerk, a city treasurer, three school inspectors, four justices of the peace, two aldermen at large; and in each ward there shall be elected a supervisor, two aldermen and a constable. Elective officers.

SEC. 6. The treasurer shall, in addition to the other powers and duties of his office, be the collector of taxes, with all powers and duties of collector of taxes. The powers and duties of school inspectors shall be the same as those of school inspectors of townships. Duties of treasurer.  
School inspectors.

SEC. 7. The following officers shall be appointed by the council: A city attorney, an engineer of the fire department, a city surveyor, a marshal and a street commissioner, and such other officers as shall be deemed necessary. Appointive officers.

SEC. 8. The mayor and aldermen shall serve without compensation. The supervisor of each ward shall receive the sum of twenty-five dollars, as full compensation for his services for assessing and levying taxes and extending and completing the tax roll of his ward. Compensation of supervisors.

SEC. 9. The school district now known as "School district number seven of the township of Tawas" shall not be affected School district.

To be governed  
by the general  
school laws.  
Proviso as to  
taxes.

by this act, either as to its boundaries or control, and shall hereafter be known as fractional school district number seven of the city of Tawas City and the township of Tawas, and shall be governed in all matters as provided for in the general school laws for the government of fractional school districts in townships: *Provided*, That all taxes to be levied upon the taxable property in said fractional school district number seven shall be certified by the district board to the clerk of the city of Tawas City and also to the township clerk of the township of Tawas, in which such district is in part situated and the said city clerk shall certify the same to the supervisor of each ward of said city.

This act is ordered to take immediate effect.

Approved March 20, 1895.

[ No. 346. ]

AN ACT to incorporate the city of East Tawas in the county of Iosco, and to repeal all acts and parts of acts inconsistent therewith.

Territory  
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That the territory in the county of Iosco and State of Michigan described as follows, to wit: All of sections twenty, twenty-one, fractional section seventeen, fractional section twenty-eight, fractional section twenty-nine, and all of section nineteen except the southwest quarter of the southwest quarter; all in township twenty-two north of range eight east, including all accretions to said lands by the waters of Tawas bay, and all slips, docks, dockages and water approaches to the above described lands or connected therewith, be and the same hereby is incorporated as the city of East Tawas.

City to be di-  
vided into three  
wards.

First ward.

SEC. 2. The said city shall be divided into three wards as follows, to wit: The first ward shall embrace all of section nineteen, except the southwest quarter of the southwest quarter, and all lands bounded as follows: On the north by a line [extended] extending east and west through the center of section twenty; on the east by the center line of Church street extending southerly to Tawas bay; on the south by Tawas bay; and on the west by the western limit of said city, including all accretions to said lands by the waters of Tawas bay, and all slips, docks, dockages and water approaches to the above described lands or connected therewith. The second ward shall embrace all of fractional section seventeen and the north half of section twenty and all lands described as follows: Bounded on the north by a line running east and west through the center of section twenty; and on the east by the center line of Smith street extending southerly to Tawas bay; and on the south by Tawas bay; and on the west by the center line of Church street extending south to Tawas bay with all acce-

Second ward.

tions to said lands by the waters of Tawas bay, and all slips, docks, dockages and water approaches attached to said lands or connected therewith. The third ward shall embrace all the remaining territory in said city described in section one of this act. Third ward.

SEC. 3. The said city of East Tawas shall, in all things not herein otherwise provided be governed and its powers and duties defined and limited by an act entitled, "An act for the incorporation of cities," being act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three, approved April twenty-ninth, eighteen hundred and seventy-three, the same being chapter eighty of Howell's annotated statutes of eighteen hundred and eighty-two of the State of Michigan, and all acts amendatory thereto, which act is hereby made and constituted a part of the charter of said city of East Tawas, except as herein otherwise provided. City of East Tawas, how governed.

SEC. 4. The first election in said city shall be held on the first Monday in April, eighteen hundred and ninety-five, and the manner of holding said first election and the giving notice thereof shall be the same, as near as may be, as is described in sections eleven, twelve, thirteen and fourteen of chapter one of said act, entitled "An act for the incorporation of cities," approved April twenty-ninth, eighteen hundred and seventy-three, and all acts amendatory thereto; and the powers and duties of the village officers after the passage of this act and prior to the holding of said first election in said city, shall be governed by the provisions of said act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three and all acts amendatory thereto, except in so far as the same may be inconsistent with this act. Elections, time and manner of holding.

SEC. 5. The mayor, city attorney, and the supervisor of each ward, shall, in addition to their other duties and powers, be *ex officio* members of the board of supervisors of Iosco county. and each shall have all the rights, privileges and powers of the several members of such board of supervisors. Mayor and supervisors of wards to be members ex officio of the board of supervisors.

SEC. 6. The mayor and aldermen of said city shall serve without compensation, except when they serve as inspectors of election, or members of the board of registration, or board of review, and when serving in such capacity they shall receive not to exceed two dollars per day. When to receive compensation, and amount of.

SEC. 7. The following persons shall constitute boards of registration for the several wards in said city for the first election on the first Monday in April, eighteen hundred and ninety-five, to wit: For the first ward, William M. Locke, William H. Clough and William O. Emery; for the second ward, Carlton W. Luce, William G. Richards and Phineas Smith; for the third ward, Emil E. Kunze, Anthony Miller and Matt Haglin. The said persons shall likewise constitute the board of inspectors of election at said first election. Who to constitute board of registration.

SEC. 8. The present bonded indebtedness of the village of East Tawas shall become the bonded indebtedness of the city of East Tawas by this act. Bonded indebtedness.

Board of registration and inspection for township of Baldwin.

SEC. 9. The following named persons shall constitute a board of registration for the township of Baldwin for the election on the first Monday in April, in the year of our Lord eighteen hundred and ninety-five, to wit: Charles L. Martin, Francis H. Frasier, Charles Larus and William Maxwell. The said persons shall also constitute the board of inspectors of said election.

This act is ordered to take immediate effect.

Approved March 20, 1895.

[ No. 347. ]

AN ACT to authorize the village of Howell, in the county of Livingston, to raise money to refund the bonded indebtedness in said village.

Authority to borrow money and issue bonds.

SECTION 1. *The People of the State of Michigan enact,* That the village council of the village of Howell, in the county of Livingston, shall be and is hereby authorized and empowered to borrow money on the faith and credit of said village, and issue bonds therefor to an amount not exceeding twenty-five thousand dollars, which shall be expended in refunding the bonded indebtedness of said village of Howell: *Provided,* That two-thirds of the electors of said village, voting at an election to be called in compliance with the provisions of this act, shall vote in favor of such loan in the manner specified in this act, and not otherwise.

Proviso.

Question of raising money to be submitted to electors.

SEC. 2. The question of raising said money by loan shall be submitted by the village council of said village to the electors thereof, and the vote shall be taken as near as may be in accordance with the provisions of an act entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteenth, eighteen hundred and ninety-five. The village council shall have power to order a special election when it may, by said village council, be deemed necessary to carry out the provisions of this act, and the proceedings had at such special election shall be the same as at general elections held within said village, except that those electors voting for said loan shall have written or printed on their ballots the words "For the loan—Yes," and those voting against the loan shall have written or printed on their ballots the words, "For the loan—No."

Special election.

Form of ballot.

Bonds.

SEC. 3. If such loan shall be authorized by two-thirds of such electors, said bonds may be issued in such sums, not exceeding the amount hereinbefore limited, and payable at such times with such rates of interest, not exceeding six per centum per annum, as the village council shall direct, and shall be signed by the president of said village, and countersigned by the clerk of said village, and negotiated by or under



the direction of said village council, and the money arising therefrom shall be appropriated in such manner as said village council shall determine for the purpose aforesaid and no other, and the said village council shall have power, and it shall be their duty, to raise by tax upon the taxable property of said village such sum or sums as shall be sufficient to pay the amount of said bonds and interest thereon as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved March 22, 1895.

[ No. 348. ]

**AN ACT** to authorize the board of supervisors of Bay county to issue one hundred thousand dollars of bonds for the purpose of refunding one hundred thousand dollars of stone road bonds, due August first, eighteen hundred ninety-seven.

**SECTION 1.** *The People of the State of Michigan enact,* That it shall be lawful for the board of supervisors of Bay county, to issue the bonds of Bay county to the amount of one hundred thousand dollars, for the purpose of refunding one hundred thousand dollars of stone road bonds, heretofore issued, and due on August first, eighteen hundred ninety-seven.

**SEC. 2.** Said bonds shall be of such denomination as the board of supervisors shall direct and shall be issued for a period not to exceed thirty years, and shall bear interest at a rate not exceeding four and one-half per cent per annum.

Approved March 26, 1895.

[ No. 349. ]

**AN ACT** to detach certain territory from the township of Escanaba and to attach the same to the township of Baldwin, all in the county of Delta and State of Michigan.

**SECTION 1.** *The People of the State of Michigan enact,* That sections four (4), five (5), eight (8) and nine (9), of township number forty (40) north, of range number twenty-two (22) west, be and they are hereby detached from the township of Escanaba in Delta county and attached to the township of Baldwin in said county.

**SEC. 2.** All taxes heretofore assessed upon any of said lands and now remaining unpaid, shall, whenever hereafter collected, be paid over to the treasurer of the township to which the

lands upon which such taxes were assessed are by this act attached.

This act is ordered to take immediate effect.

Approved March 27, 1895.

[ No. 350. ]

AN ACT to reincorporate the village of Calumet in the county of Houghton, State of Michigan, and to change the name of said reincorporated village to the village of Laurium.

Territory  
incorporated.

SECTION 1. *The People of the State of Michigan enact,* That the following described territory, situated in the township of Calumet, in the county of Houghton and State of Michigan, namely: All that portion of section number twenty-four in township number fifty-six north of range number thirty-three west, in the county of Houghton and State of Michigan, bounded and described as follows, to wit: beginning at the quarter post on the west line of said section, thence north along said section line eighty-five and five-tenths feet to an iron pin; thence north twenty-seven degrees and eleven minutes, east twenty-three hundred and forty-six and four-tenths feet; thence south sixty-two degrees and forty-nine minutes, east six hundred and sixty feet; thence south twenty-seven degrees and eleven minutes, west twenty-seven hundred and seventy-one and three-tenths feet; thence south sixty-two degrees and thirty-nine minutes, west four hundred and thirty-six and six-tenths feet to the west line of said section; thence north zero degrees and twenty-four minutes west along said west line of said section seven hundred and ninety-four and six-tenths feet to the place of beginning, containing forty-two and one-tenth acres, be the same more or less. In the foregoing description the section line running from the quarter section post on the west line of said section to the northwest corner of said section being assumed to be a true north and south line; and also all that portion of said section number twenty-four in the township and range aforesaid described as follows, to wit: From the quarter section post on the west side of said section twenty-four, run along the west boundary line of said section south no degrees and twenty-four minutes, east seven hundred and ninety-four and six-tenths feet to the place of beginning; thence north sixty-two degrees and thirty-nine minutes, east four hundred and thirty-six and six-tenths feet; thence north twenty-seven degrees and eleven minutes, east twenty-seven hundred and seventy-one and three-tenths feet; thence south sixty-two degrees and forty-nine minutes, east six hundred feet; thence south twenty-seven degrees and eleven minutes, west thirty-one hundred and ninety-eight and seventy-five one-hundredths feet; thence south sixty-two degrees and thirty-nine minutes, west eight hundred and eleven and fifteen

one-hundredths feet; thence along the west boundary of said section twenty-four, north no degrees and twenty-four minutes, west eight hundred and twenty-six and forty-four one-hundredths feet to the place of beginning; in the foregoing description the section line running from the quarter section post on the west side of said section twenty-four to the northwest corner of said section being assumed to be a true north and south line; which territory above described and comprised in said two descriptions has heretofore been comprised in and constituted the village of Calumet, as incorporated by the board of supervisors of said county of Houghton, be and the same is hereby reincorporated as a village which shall hereafter be called and known as "the village of Laurium," and that the incorporation of the said village of Calumet by the board of supervisors of said county of Houghton, be and the same is hereby vacated and annulled from the time when this act shall take effect.

SEC. 2. The said village of Laurium is hereby made subject to the provisions of the act entitled "An act to provide for the incorporation of villages within the State of Michigan and defining their powers and duties," approved February twentieth, eighteen hundred ninety-five. Subject to general law.

This act is ordered to take immediate effect.

Approved March 27, 1895.

[ No. 351. ]

AN ACT to detach certain territory from the township of Escanaba and to attach the same to the township of Masonville, in Delta county.

SECTION 1. *The People of the State of Michigan enact,* That sections two (2), three (3) and ten (10), in township number forty (40) north of range number twenty-two (22) west, be and the same are hereby detached from the township of Escanaba in Delta county, and attached to the township of Masonville in said county. Territory detached.

SEC. 2. All taxes heretofore assessed upon any of said lands, and now remaining unpaid, shall whenever hereafter collected, be paid over to the treasurer of the township to which the land upon which such taxes were assessed are by this act attached. Unpaid taxes.

This act is ordered to take immediate effect.

Approved March 27, 1895.

[ No. 352. ]

AN ACT to provide for cleaning out, keeping open and in good condition and repair the ditch or outlet known as the Quannicassee and Cheboyganning State ditch in Bay county and to provide for the levy and collection of taxes to defray the expense thereof.

Provision for  
keeping a cer-  
tain ditch in  
repair.

SECTION 1. *The People of the State of Michigan enact,* That the ditch or outlet in Bay county known as the Quannicassee and Cheboyganning State ditch, constructed under the provisions of act number one hundred eighty-two of the public acts of the year eighteen hundred and seventy-nine, being an act entitled "An act to authorize the board of control of State swamp lands, to make an appropriation to drain and reclaim certain swamp and overflowed lands in Bay, Saginaw and Tuscola counties," approved April thirtieth, eighteen hundred and seventy-nine, shall be kept clear of obstructions, open and in good condition and repair so as to be capable of carrying off the surplus water from all lands whose natural drainage may be into said ditch or outlet, or into ditches of which said State ditch is the outlet.

Who to have  
jurisdiction  
over ditch.

SEC. 2. The county drain commissioner of Bay county and the county drain commissioners of any other county in which lands to be affected by the cleaning out, keeping open and in good condition and repair of said ditch may be situated shall have jurisdiction over said ditch to the same extent as though said ditch had been constructed under the general drain law of this State.

Five freeholders  
may make appli-  
cation for clean-  
ing out or re-  
pairing ditch.

SEC. 3. Whenever said ditch or any portion thereof needs cleaning out or repairing or whenever it may not be in condition to carry off the surplus water from lands whose natural drainage may be into said ditch or into ditches of which it is the outlet, any five freeholders of the township in which said ditch is situated, one of whom shall be the owner of land to be benefited by the cleaning out, repairing or putting in good condition said ditch, and which will be liable to assessment for benefits therefrom may make application to the county drain commissioner of Bay county setting forth the necessity for such work, and requesting that it be done, and the said commissioner shall, as soon as practicable thereafter, carefully examine such ditch, and if upon examination the commissioner shall deem the same to be necessary and for the good of the public health, convenience or welfare, he shall fix a time and place of meeting and notify the commissioner or commissioners of the other county or counties in which lands to be affected by said ditch are situated, and shall furnish each of said commissioners with a certified copy of the application, and they shall thereupon meet at the time and place specified by said commissioner of Bay county and thereupon and thereafter jointly take such proceedings and perform all acts as are provided in the general drain law of this State relative to similar work on drains traversing more than one county.

Commissioner  
to fix time and  
place of meet-  
ing.

SEC. 4. All proceedings relative to the assessment of lands benefited, the collection, return and enforcement of assessments, and the making of contracts for the work, and all other acts necessary to be taken, shall be in the same manner, as near as may be, as provided in said drain law relative to the construction of drains in the first instance traversing more than one county or affecting lands lying in more than one county: *Provided*, That the entire work of cleaning out said ditch and putting the same in good condition and repair may, in the discretion of the commissioners acting in said matter, be let to one person, firm or corporation. Security for the performance of any contract made by such commissioners shall be required as provided for in said general drain law.

Proceedings  
relative to as-  
sessments of  
lands benefited.

Proviso.

This act is ordered to take immediate effect.

Approved March 27, 1895.

[ No. 353. ]

AN ACT to amend sections six, nine and twelve of chapter five; sections one, six, seven, eight, nine and fourteen of chapter seventeen; sections three, eight, nine and ten of chapter eighteen; section seventeen of chapter twenty; section six of chapter twenty-two; and sections two, ten and eleven of chapter twenty-five; to add a new section to be numbered ten to chapter nine; to authorize the common council of said city to amend the appropriation bill for the year eighteen hundred ninety-five; and to repeal section six of chapter twenty, of an act entitled "An act to revise and amend the charter of the city of Jackson," approved June seventh, eighteen hundred eighty-nine, and the acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact*, That sections six, nine and twelve of chapter five; sections one, six, seven, eight, nine and fourteen of chapter seventeen; sections three, eight, nine and ten of chapter eighteen; section seventeen of chapter twenty; section six of chapter twenty-two, and section two, ten and eleven of chapter twenty-five of an act entitled "An act to revise and amend the charter of the city of Jackson," approved June seventh, eighteen hundred eighty-nine, as amended by the several acts amendatory thereof, be and the same are hereby amended so as to read as follows:

Sections  
amended.

CHAPTER V.

SEC. 6. The recorder shall keep the corporate seal, and all the documents, official bonds, contracts, papers, files and records of the city not by this act or the ordinances of the city

Duties of  
recorder.

entrusted to some other officer; he shall be clerk of the council, secretary of the board of public works, clerk of the board of cemetery trustees and secretary or clerk of such other boards of the city as the common council may from time to time direct; shall attend the meetings of the common council, and the meetings of the boards of which he may be clerk or secretary; record all their proceedings, ordinances and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify, under the seal of the city, copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matters therein contained, to the same extent that the original would be; he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations.

Reports of.

SEC. 9. The recorder shall report to the council on the first Monday of each month a statement showing the condition of all the funds of the city, and whenever required, a detailed statement of the receipts, expenditures and financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require. The recorder shall receive an annual salary payable monthly, which shall be in full for all services rendered by him, except the fees to which he may become entitled to for filing chattel mortgages, and bills of sale intended as securities, and renewals of the same, and except, also, such fees as he may become entitled to as a witness for private parties, or for making copies of papers in his office and certifying the same at the instance of parties not connected with the city government. All other fees received by him shall be credited to the proper funds of the city, and be paid by him to the city treasurer.

Salary and fees of.

Shall keep separate accounts.

SEC. 12. The treasurer shall keep all moneys in his hands belonging to the city, separate and distinct from his own; and he is hereby prohibited from using either directly or indirectly, the corporation moneys, warrants or evidences of debt, in his custody or keeping, for his own use or benefit, or that of any other person. Any violation of this section shall subject him to immediate removal from office by the city council, who are hereby authorized to declare the office vacant, and to appoint or order the election of his successor as herein elsewhere provided. The treasurer shall be compensated by an annual salary, payable monthly, which shall be in full for all services rendered by him, except his services in collecting taxes under warrants issued by supervisors, for the collection of State, county and school taxes, as to which he shall be entitled to the fees provided for by the general laws of this State, and all fees which under this act or any ordinance of said city, shall be payable to, or collected by said treasurer, shall belong to the said city, be reported to the recorder by him, and credited to the proper fund: *Provided*, That in case he shall be required

Salary and fees of.

Provided.

by any such warrant to collect under the laws to authorize the construction of drains, or any other law, any sum or sums from the said city or any ward, by reason of assessments other than against particular lands or persons, then he shall deduct from the amount to be collected such sum or sums as he would otherwise be entitled to retain for his fees and turn the same into the city treasury.

## CHAPTER XVII.

SECTION 1. The common council of said city may establish, Sewers, etc. construct and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials and under such regulations as they may deem proper for the drainage of the city, and may regulate and maintain those already constructed, and may make the necessary expenditures to inclose [in] walls or dykes or otherwise improve Grand river within the city, and from the northern limits of the city to the mouth of the Portage river, by removing obstructions and cleaning out the channel thereof, by straightening its course and by building such walls or dykes for the purpose of improving the outlet for the sewage and sanitary condition of the city, and private property for the use thereof may be taken therefor in the manner prescribed in this act for taking such property for public use, and they may prescribe the dimensions and materials and the manner of construction of such river walls or dykes. In the case that it shall be determined that in order to improve the outlet for the sewage of the State Prison, the authorities of that institution will do any part of the work of improving the channel of said river, either within the city or north of the city limits, and when the inspectors of prisons shall have approved the plans for making any part of such improvement opposite to or northerly from the prison grounds, then, such rights of persons in the lands in or on the banks of said river as may be necessary for that purpose, may be condemned in the manner so prescribed at the instance of said city for the use of the State of Michigan, and in such latter case the rights condemned shall be held in the name of the State of Michigan. The said council may also acquire such rights by negotiation and may make such expenditures within the limits herein otherwise prescribed for taxation to pay for such rights of way as shall have been purchased or condemned, and for surveys, plans and engineering work as it may provide towards the portion of the improvement, if any, which shall have been made under the direction of the prison authorities. In all cases where the council shall deem it practicable, sewers and drains shall be constructed in the public streets and grounds. Outlet for the sewage of the State Prison,

SEC. 6. Such part as the common council shall determine, Cost of, how paid. not exceeding two-thirds of the cost and expense of any main district sewer, or of the cost of any lateral, branch or local sewer constructed within a special sewer district, or of the cost

of walling or dyking Grand river, or a portion thereof, shall be paid from the general sewer fund, and the remainder of such cost and expense shall be defrayed by special assessment in proportion to benefits, upon all taxable lands and premises included within the main or special sewer or dyking districts, as the case may be, in proportion to such estimated benefits accruing to each parcel respectively from the construction of the sewer or dyke.

**Plat of sewer.**

SEC. 7. Before proceeding to the construction of any district sewer or dyke of Grand river, the board of public works, by direction of the common council, shall cause a diagram and plat of the whole sewer or dyking district to be made, showing all the streets, public grounds, lands, lots and subdivisions thereof in the district, and the proposed route and location of the sewer and dykes; and the depth, grade and dimensions thereof, accompanied by an estimate of the cost thereof, and report the same to the common council. And the recorder shall give notice by publication for at least two weeks, in one of the newspapers of the city, of the intention to construct said sewer or dyke, and where said diagram and plat may be found for examination, and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer or dyke.

**Construction of district sewer.**

SEC. 8. When the council shall determine to construct any such district sewer or dyke, they shall so declare by resolution, designating the district, and describing, by reference to the plat and diagram thereof mentioned in the preceding section, the route and location, grade and dimensions of the sewer or dyke and shall determine in the same resolution what part of the estimated expenses of the sewer or dyke shall be paid from the general sewer fund, and what part shall be defrayed by special assessment according to benefits, and the proportions to be paid from the general sewer fund, and to be defrayed by special assessment, when so determined, shall be final and conclusive; and they shall cause such plat and diagram as adopted to be recorded in the office of the recorder, in the book of sewer records.

**Special sewer assessments.**

SEC. 9. Special assessments for the construction of sewers and for the dyking of Grand river shall be made by the board of assessors in the manner provided in this act for making special assessments.

**Ordinances relative to.**

SEC. 14. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers and of the dyking and other improvements and to carry into effect the powers herein conferred in respect to drainage of the city, and to the dyking and other improvements of Grand river, and in such ordinances it may be provided what work of removing obstructions, cleaning out the channel and straightening the course of Grand river and of protecting the walls, shall be deemed parts of the dyking in this chapter provided for.



## CHAPTER XVIII.

SEC. 3. The council shall have authority to lay out, open, widen, extend, straighten, or alter any highway, street or alley in the city, whenever they shall deem the same a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement may be paid by special assessments upon the property adjacent to or benefited by such improvement in the manner in this act provided for levying and collecting special assessments; or in the discretion of the council, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance from the general street fund. If for any reason the common council shall deem it for the interest of the city to alter or vacate any plat of lands in said city or any part of the same, or any street, alley or public grounds, or any part of the same, it shall have power equally with the owner or owners of the lands platted, to apply to the circuit court of the county for such alteration or vacation, and it shall be a sufficient interest in that part of the plat to authorize such an application if it shall appear that the part of the street, alley or public grounds on the plat proposed to be altered or vacated, has been dedicated to the public: *Provided*, That if all persons interested in the entire plat or a distinct part thereof, shall file with the common council their written consent to its vacation, then the common council shall have power to vacate the same by resolution. Surveys shall be made of all such highways, streets, alleys or public grounds, and of all changes made therein, and the same shall be recorded in the office of the recorder, in a book of street records.

Power of council relative to streets.

Expense, how paid.

Authority to alter or vacate any plat of lands.

Provide.

SEC. 8. The common council shall have power to cause the highways, streets, avenues, lanes and alleys of the city to be graded, paved, planked, graveled, curbed and otherwise improved and repaired, and the gutters paved; and for that purpose, and for defraying the expenses thereof, may divide the city or parts thereof, into paving districts. The term "paved" shall be construed as including the necessary crosswalks, gutters, subdrainage, curbing, ballasting and refitting of openings to sewers and connections with gas and water pipes.

Grading and paving.

SEC. 9. Such parts of the expense of any pavement as is for the paving of the squares or spaces formed by the intersecting lines of public streets and alleys, the extra expense of crosswalks and which shall be for the paving of the half of the street or alley in front of or adjoining to, school buildings, county buildings and other public buildings, and grounds not taxable, shall in all bids requested and all contracts for paving, be itemized separate from that or those for the doing of the portions of the work, for which persons and real estate benefited are to be assessed, but may be included in the same con-

Expense of, how paid.

tract, and the expense of such portion of the work, and the expense for the preparation of the plan, the making of surveys, printing, assessments, for the giving of notices, advertising for bids, and the superintending of the work, including all items not let by contract, shall be paid from the paving or general fund of the city. In the case that the common council shall deem it necessary, it shall have power to raise the money to defray the expenses to be paid by the city at large of such construction of one or more pavements by levying a paving tax not exceeding one mill on the dollar, in any year, in addition to all other taxes hereby authorized, by borrowing not exceeding fifteen thousand dollars, in any one year, for that purpose, or partly by tax and partly by borrowing, at a rate of interest not exceeding five per centum per annum, payable semi-annually, and to issue bonds therefor, and in any case of so raising moneys the sums shall be placed in a separate general fund.

*Idem.*

SEC. 10. The expense of the construction of any pavement, other than the portion to be paid by the city, may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon that part of the street or alley so improved or proposed so to be; or constituted of lands fronting upon such improvement, and such other lands as in the opinion of the council may be benefited by the improvement: *Provided* That when such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size or location of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessment upon other lots, the council or board of assessors making the assessment may assess such lot for such number of feet as in their opinion will be just: *And provided also*, That if the special assessment district shall include other land not fronting upon the improvement, then the assessment shall be upon all the lands included in such special assessment district in proportion to the estimated benefits resulting thereto from the improvement: *Provided also*, That all gutters may be paved from the street district funds, when the same are made necessary for the protection of a street or part of a street upon which a full pavement has not been ordered.

*Proviso.*

## CHAPTER XX.

*Division into installments.*

SEC. 17. Upon the confirmation of any special assessment, the amount thereof may be divided in not more than five installments, one of which shall be collected each year at such times as the common council shall determine, with annual interest at a rate not exceeding six per centum per annum, and warrants shall from time to time be issued for the collection thereof. The common council shall have power to issue bonds, payable only from the proceeds of such special assessments, in anticipation of the collection thereof, and neither interest or principal of said bonds shall be payable or be paid

*Authority of common council to issue bonds.*

from any other fund. It shall only be lawful to issue such amount of bonds as may be necessary to pay for the portion of the expense of the particular improvement for which the special assessment is made, and any saving, either in interest, or premium on bonds, or in the amount thereof, beyond the cost of preparing bonds for signatures, from the amount of the special assessment, shall be *pro rata* for the benefit of the persons and lands assessed, and shall be deducted from the last installment or installments of the said special assessments. Said bonds shall be payable as near as may be, at the times when said special assessments may with due diligence be collected: *When payable.* *Provided,* That before bonds shall be actually issued, any person assessed may pay the amount assessed against him and may have on the completion of the work such deductions as he may equitably be entitled to, if the improvement shall have been made at a less cost than the amount of such special assessments. *Proviso.*

## CHAPTER XXII.

SEC. 6. The council may also raise by tax in each street district for defraying the expenses of working upon, improving and repairing and cleaning the streets of the district, and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in one year one mill on the dollar on the assessed value of the taxable real and personal property in the district. And the common council shall have power, in its discretion, at any time after the first day of November in each year, to anticipate the collection of the street district tax of the succeeding year, to an extent not exceeding fifty per cent thereof, for the purpose of purchasing stone and crushing the same, to be used for macadamizing the streets of any ward, and to issue certificates of indebtedness payable out of said tax in payment of the same. *Amount in each street district.*

## CHAPTER XXV.

SEC. 2. Such board shall annually elect one of its members president who shall hold office for one year and until his successor shall be appointed. The recorder as secretary of said board shall attend all meetings thereof, and keep a record of its proceedings, which shall be deemed a public record, and shall at all times be open to the inspection of the mayor and members of the common council, and all persons interested therein. Said secretary shall perform such duties in such manner as the said board may direct. *Election of president.* *Duty of secretary.*

SEC. 10. Whenever any special assessment to defray the cost of any work or improvement shall have been levied by the common council and the assessment roll placed in the hands of the city treasurer for collection, the common council shall, at such times thereafter as it may deem proper, by resolution, direct the said board to advertise for sealed proposals for mak- *When to advertise for sealed proposals.*

**Proviso.** ing such improvement. Thereupon said board shall advertise, for at least one week, in such newspaper or newspapers published in said city, as the council may designate, for such proposals, which shall include the performance of the necessary labor and furnishing material therefor: *Provided*, That if the estimated cost of the improvement shall not exceed one hundred dollars, the said board may in its discretion omit to advertise the same, and may procure proposals without so doing.

**Right to reject any and all bids reserved.** The said board shall reserve the right to reject any and all bids, and if it shall receive a bid which it shall recommend to be accepted, or if it shall be in doubt whether any, or which bid shall be accepted; then, it shall report all the bids which shall have been received under any advertisement, to the common council, with a statement in detail thereof showing the aggregate amount of each bid or proposal based upon the board's estimate of the labor and material necessary for making such improvement and shall also report the action of the board thereon, with a draft of the proposed contract, in case such action of the board recommends the making of the contract.

**Council may direct board to enter into contract.** SEC. 11. The common council may by resolution direct said board to enter into a contract for the furnishing of material and the performance of the labor necessary for making any public improvement for which bids or proposals have been so reported, but shall not direct the execution of said work for the making of the improvement, in any other mode than by contract, unless the board shall have first recommended the doing of the work in some other mode, and in such case it shall require the votes of two-thirds of the members elect of the common council to authorize the performance of the work in any other manner than by contract.

**Chapter amended.** SEC. 2. That chapter nine of the said act be and the same is hereby amended by adding a new section thereto to be numbered section ten, and to read as follows:

**Deposit of all moneys in bank.** SEC. 10. The council shall have power to direct the deposit of all moneys in any reliable bank or banks and to contract with any such bank or banks for the safe keeping of all public moneys and for the receipt of interest thereon at a rate not exceeding five per cent per annum upon such moneys of the corporation deposited with such bank or banks, and to be drawn on account current from such bank or banks by the city through its proper officer; and such interest shall belong and be credited to the general fund: *Provided*, That when the council has directed the treasurer to deposit said money with any bank or banks, they shall give a bond to the city, with sureties in number and amount to be approved by the council, sufficient to protect the city from loss and the treasurer shall be relieved from all liability for such moneys so deposited until the same are drawn out by him.

**Proviso.**

**Council may amend "Appropriation bill" for 1895.** SEC. 3. It shall and may be lawful for the common council of said city, at any time within sixty days after this act shall take effect, to amend the "appropriation bill" of said city for the year eighteen hundred ninety-five, in any manner which

shall be in accordance with this act, and so that as amended, said appropriation bill shall be as though this act had gone into effect before the first Monday of March in the year one thousand eight hundred and ninety-five, and when so amended the said appropriation bill shall be deemed as in effect from the date of its original passage and approval.

SEC. 4. That section six of chapter twenty of the said act be and the same is hereby repealed. Section repealed.

This act is ordered to take immediate effect.

Approved March 29, 1895.

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[ No. 354. ]

AN ACT to amend act number three hundred forty-seven of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the board of education of the city of Hastings," approved April second, eighteen hundred and seventy-three, as amended, by adding thereto a new section to stand as section twelve.

SECTION 1. *The People of the State of Michigan enact,* Act amended.  
That act number three hundred and forty-seven of the session laws of eighteen hundred seventy-three, entitled "An act to incorporate the board of education of the city of Hastings," approved April second, eighteen hundred seventy-three, as amended, be and the same is hereby amended by adding a new section thereto to stand as section twelve and to read as follows:

SEC. 12. The qualification of electors in the school district comprising the city of Hastings, shall be the same as those prescribed by the laws of this State and the United States for voters at large at general city elections: *Provided,* Qualification of electors.  
That women of or above the age of twenty-one years shall be qualified to vote for members of said board of education, so created by this act, and may be elected and become members of said board, and have the same rights and privileges as members of said board, as male citizens. Provide.

This act is ordered to take immediate effect.

Approved March 29, 1895.

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[ No. 355. ]

AN ACT to provide a city depository or depositories and regulate the deposit of public moneys therein in the city of Ironwood, Gogebio county.

SECTION 1. *The People of the State of Michigan enact,* City depository.  
That any bank, banks or banking institution which shall be

approved by the common council of the city of Ironwood may, upon filing bonds as hereinafter provided, and upon compliance with all other requirements of law become a city depository.

To file bond with city clerk.

SEC. 2. Every such city depository before it shall be entitled to receive any public moneys shall file with the city clerk a good and sufficient bond conditioned for the payment upon demand to the city treasurer or to his order upon a check signed by the mayor and city clerk and countersigned by said treasurer as hereinafter provided all moneys deposited with it, and of interest thereon at the rate agreed upon as hereinafter provided, with not less than five sureties resident and freeholders of this State, who shall together be worth in property within this State, not exempt from execution, over and above their debts and liabilities, double the amount of said bond, and who shall justify such responsibility by their several affidavits, which said bond and sureties, shall before such filing, have been approved by a vote of two-thirds of the members elect of the common council of said city and no officer of said bank shall be accepted as a surety on said bond, but such bond shall accompany the bid hereinafter provided for, and if such bid and bond are accepted and approved the same shall be retained by said city and from the dates of such acceptance be obligatory upon all persons executing said bid and said bond; and no such bond shall be approved until the common council shall be fully satisfied both that said bond is good and sufficient, and that the bank, banks or banking institution offering it is prosperous and financially sound.

Bonds to be approved by common council.

City clerk to advertise for proposals to receive funds.

SEC. 3. It shall be the duty of the city clerk each year within ten days after his qualification or as soon thereafter as possible, to advertise in one or more newspapers published in the city of Ironwood, if any newspaper shall at that time be published thereat, and, if the public interest require, in one or more newspapers published elsewhere in the county of Gogebic, State of Michigan, or elsewhere in said State, once a week for at least two successive weeks, for proposals to receive the city funds on deposit for one year from the date or dates when the bonds hereinbefore required to be given by such depository shall have been approved and filed with the city clerk as hereinbefore provided, and until the city shall designate other depository or depositories. Proposals hereunder shall be filed with the city clerk at least one day before the next regular meeting of the common council succeeding the expiration of the time herein required for advertisement and shall state what interest shall be allowed and credited to the city upon the daily balances of funds belonging to it and shall also provide that all such public moneys and accrued interest, if any, shall be held subject to check and payment at all times on demand as hereinafter provided. After advertising as above provided, and the receipt of such proposals and bonds and approval thereof, it shall be the duty of the common council to designate, in its discretion, a city depository or depositories. And when such depository or depositories has or have been so designated, the city clerk shall forthwith notify the city treasurer to that effect

Proposals to be filed with clerk, what to state.

and name in such notice the depository or depositories so designated. If said common council at any time after such designation deem the surety given by any such depository insufficient, it may require a new bond to be approved as provided in section two of this chapter, and if, in its opinion, the public interest require, it may vacate, revoke or modify its designation of a depository in any way, and may again designate a depository or depositories in the same manner as hereinbefore provided. And whenever a new bond shall be required of any depository, or if such depository shall be revoked the treasurer, mayor and city clerk shall immediately withdraw all public money therefrom.

Clerk to notify treasurer.

SEC. 4. Whenever the common council shall designate a city depository, or depositories, it shall be the duty of the city treasurer, as soon as such depository or depositories has or have filed the bond provided for in section two of this act, and said bond has been duly approved as provided in said section to forthwith deposit all funds in the city treasury, and all that may thereafter come into his hands as city treasurer in such depository or depositories, and in case more than one depository is designated such funds shall be divided and deposited as hereinafter provided between all such depositories, or as may be directed by the common council, and with each deposit, such depository shall deliver to said treasurer a proper receipt or voucher therefor; and any sum so deposited shall be deemed to be in the city treasury, and the city treasurer shall not be liable for any loss thereof resulting from failure or default of any such depository, and without fault or negligence on the part of said treasurer, his assistant or employes.

Duty of city treasurer.

In case more than one depository is designated.

When city treasurer not liable for loss.

SEC. 5. No money shall be paid by any such depository except upon a treasurer's check signed by the mayor and clerk of said city and countersigned by the city treasurer, which check upon payment shall be immediately canceled by the payer, and all checks paid shall be by such payer at least once a month and whenever directed by the mayor or common council delivered to the city clerk who shall keep the same on file in his office.

Money, how paid out.

SEC. 6. Every city depository shall, on the first day of each month, and oftener when required by the mayor of said city or by the common council file with the city clerk a sworn statement of the amount of city moneys deposited with it, setting forth the date and amount of each deposit in said month, and the city treasurer at the same time, and as often as required by the mayor of said city or the common council, shall file with the city clerk a sworn statement showing the amount received and disbursed since the date of filing his last report, together with the dates of such receipts and disbursements, the fund or funds to which the same is credited and against which the same is drawn, and the depository or depositories in which the same were deposited or drawn from.

City depository to file statement.

City treasurer to file statement.

SEC. 7. The amount at any time on deposit with any city depository shall not exceed one-half the penalty of the bond filed by it in accordance with section two, nor shall it exceed

Amount on deposit not to exceed one-half the penalty of bond.

the amount prescribed by the common council, if any be prescribed by it.

Depositories to file statement quarterly.

Statement to be accompanied by affidavit of cashier.

Perjury.

Bribery, what shall constitute.

Penalty.

Treasurer to give bond.

SEC. 8. Each city depository shall, quarterly, within ten days after the first day of January, April, July and October of each year make and file with the city clerk a full statement of all deposits and payments of public moneys during the preceding quarter, together with a computation and statement of the interest earned thereon, computed upon the daily balance on deposit, which interest shall thereupon be added to and become part of the deposit balance; such statement shall be accompanied by an affidavit of the cashier of such depository, to the effect that such statement is in all respects true and correct, and that, except for the interest therein credited, neither said depository, nor any officer, agent or employé thereof, nor any person in its behalf, has in any way whatsoever, given, paid or rendered or promised to give, pay or render, to the city treasurer or to any other person, any money, credit, service or benefit whatsoever, by reason of, or in consideration of, the deposit with it of any portion of the public moneys. Any person who shall make any false statement in any affidavit required by this act, shall be deemed guilty of the crime of perjury. The total interest paid by all city depositories shall be apportioned by the common council, and added to and become a part of such funds as said council may designate.

SEC. 9. Any person who shall give, pay or render or promise or offer to give, pay or render to any city treasurer or to any other person any money, credit, service or benefit whatsoever, except as expressly authorized by law, by reason of, or in consideration of the deposit, loan or forbearance of any public moneys or funds, shall be deemed guilty of the crime of bribery, and shall be punished by imprisonment in the State Prison not more than five years nor less than one year, or by fine not exceeding one thousand dollars nor less than two hundred dollars. And in any prosecution under this section, no witness shall be excused from answering any question on the ground that his answer may tend to criminate himself, or expose him to prosecution for any crime, misdemeanor or forfeiture, but no testimony so given shall be in any manner used against the person so testifying in any other criminal prosecution except the prosecution for perjury committed in giving such testimony. The treasurer shall each year, before entering upon the discharge of the duties of his office, give a bond to the city of Ironwood conditioned in such penalty and with such sureties as the common council may require, but no such bond shall be approved unless all the sureties thereto are residents and freeholders of this State, who shall together be worth in property within this State, not exempt from execution, over and above their debts and liabilities double the amount of the penalty of said bond, and who shall justify such responsibility by their several affidavits, which said bond and sureties shall, before acceptance of the same, be approved by a vote of two-thirds of the members elect of the common council of said city. The treasurer shall be collector of all taxes levied



upon taxable property within the city and also all special assessments which may be levied within the city, unless otherwise provided, and shall perform all such duties in relation to his office as the council may from time to time prescribe, and as provided by law. He shall have authority to endorse "For deposit to the credit of the city of Ironwood" any and all drafts or checks or evidences of indebtedness payable in money to the city of Ironwood, or to him as treasurer of said city which shall come into his hands as such treasurer and shall not have authority to endorse the same in any other manner or for any other purpose. He shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the city except as otherwise in this act provided, or as provided by the common council. He shall receive all money belonging to and receivable by the city and keep [an] accurate account of all receipts and expenditures thereof, and all such moneys shall be paid direct to said treasurer, and not to any other officer of the city, and the receipt of any other officer than the treasurer shall not be valid as against the city, except as herein provided, or as may be provided by the common council by ordinance, and said treasurer shall make a daily deposit of all moneys collected by him with the depository or depositories designated by the common council under this act, if said council shall have designated such depository or depositories at or after the time such moneys are collected, and shall certify to the clerk daily all moneys collected and received by him. He shall at all times when required to do so by the mayor or the common council, forthwith make and file with the city clerk a sworn statement of the condition of the treasury, or of any fund or funds provided by the council, and his doings as treasurer, and as otherwise provided in this act and by the general statutes and laws of this State. He shall, except as otherwise herein provided, have all the powers and perform all the duties required of the treasurer in townships in this State, and shall collect the funds and perquisites allowed as provided by the general laws in this State to be received by the treasurer of townships, which fees and perquisites shall belong to and be the property of the city of Ironwood; and said treasurer shall forthwith on collection of any such fees or perquisites pay the same into the city treasury and to the credit of an account known as "Fees and perquisites account" and it shall be the duty of the common council to apportion such sums among the several funds of the city as it may deem proper. He shall keep his office in the city hall, in a room which it shall be the duty of the common council to provide, and shall have the use of the vault in said city hall for the storage and safe keeping of the books, papers and vouchers belonging or appertaining to his office and shall daily deposit in a burglar proof safe to be kept in such vault, all moneys received by him as such treasurer at any time when the city depository or depositories provided for in this act shall not be open to receive the same; and shall there keep such moneys until he has an opportunity to deposit the same in some depos-

Treasurer to  
collect taxes.

Shall make daily  
deposits.

To file statement  
of condition of  
the treasury.

Office, where  
kept.

Shall have use  
of vaults.

Shall be provided with burglar proof safe.

To keep a set of books showing money received daily.

To keep separate account with each fund.

May employ an assistant.

Treasurer shall pay out money on order of council.

Provido.

Treasurer, salary of.

itory, or until otherwise directed by the common council, but always at his own risk while the same are not on deposit with said city depository or depositories and the common council shall provide within thirty days after this act shall take effect and keep in the vault of the city hall for the exclusive use of the city treasurer, a safe which shall be as nearly burglar proof as possible. Said treasurer shall keep in his office a set of books showing what moneys he receives daily and from whom and for what purpose such money was paid to him, and he shall distribute and keep the same in such funds as the common council may provide, and keep a separate and distinct account with each fund. He may when and for such period as the common council deem necessary employ a suitable person subject to the confirmation of the council to keep his accounts and assist in the collection of taxes; such person shall receive no compensation for his services from the city, but shall be paid exclusively by the city treasurer, and no clerk, officer, agent or other person in any way interested in or connected with any depository or depositories hereafter designated by the common council shall be employed by said treasurer or in any way allowed to assist or render him any service whatever, and the employment of any person by said treasurer or the confirmation of any such person by the common council shall not in any way relieve the said treasurer or the sureties on his bond from any liability thereon. The treasurer shall only pay out and disburse the moneys under his control or on deposit with any depository or depositories designated by the city upon the order of the common council and upon presentation to him of warrants duly signed by the mayor and clerk of said city, attached to checks of corresponding amounts, dates and numbers, duly signed by the mayor and clerk, which said checks when, and only when, the same shall be attached to said warrants, he shall immediately countersign and detach from the warrants attached thereto and deliver to the person to whom the same is payable and take such persons receipt therefor on said warrant and said warrants so receipted he shall immediately cancel and file as vouchers in his office for the corresponding checks so countersigned by him: *Provided, however,* That he shall countersign and deliver checks to pay school moneys upon vouchers, warrants and checks duly signed by the proper authorities having charge of the public schools in said city duly canceling and retaining such vouchers and warrants in his office. The city of Ironwood shall pay the city treasurer for his services the sum of twelve hundred dollars per annum, payable in monthly installments, of one hundred dollars each, and such compensation shall be in lieu of all other fees, perquisites and compensation of any nature whatever.

This act is ordered to take immediate effect.

Approved March 29, 1895.

[ No. 356. ]

**AN ACT** to amend section two of chapter two and section fifteen of chapter ten of act two hundred and fifty-one of the local acts of eighteen hundred and ninety-one, entitled "An act to revise and amend the charter of the city of Ishpeming."

**SECTION 1.** *The People of the State of Michigan enact,* Sections amended.  
That section two of chapter two and section fifteen of chapter ten of act number two hundred and fifty-one of the local acts of eighteen hundred and ninety-one, entitled "An act to revise and amend the charter of the city of Ishpeming," be amended so as to read as follows:

## CHAPTER II.

**SEC. 2.** The following officers shall be appointed by the common council on or before the first Monday in May, viz.: Appointive officers.  
**An assessor, a city attorney, a director of the poor, a pound-master, and such number of police constables as the council may from time to time deem necessary. A marshal and a deputy marshal shall be appointed by the mayor and confirmed by the common council. A street commissioner shall be appointed by the board of public works and confirmed by the common council. The common council may also from time to time provide by ordinance for the appointment of, and may appoint for such term as may be provided in such ordinance, such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.** Other officers.

## CHAPTER X.

**SEC. 15.** On or immediately before the twenty-first day of March in each year the council shall audit and settle the Auditing of accounts.  
**accounts of the city treasurer and other officers of the city, and the accounts [also] of all persons having claims against the city or accounts with it not previously audited so far as the same may be practicable, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the objects and purposes for which the same were made and the amount of money expended under each; the amount of taxes raised for the general contingent expenses; the amount raised for each of the general funds; the amount raised by special assessment, the amount collected on each and the purpose thereof; the amount of money borrowed by the city and upon what time and terms and for what pur-** Statement of receipts and expenditures.

To be filed in  
office of city  
recorder.  
Copy to be pub-  
lished.

pose, also the items and amounts received from all other sources during the year, and the objects thereof. Said statement shall also show the amount and items of all indebtedness outstanding against the city, to whom payable, and with what rate of interest, the amount of salary or compensation paid or payable to each officer of the city for the year and such other information as shall be necessary to a full understanding of all financial concerns of the city. Said statement, signed by the mayor and recorder, shall be filed in the office of the recorder and a copy thereof published in one of the newspapers of the city.

This act is ordered to take immediate effect.

Approved March 29, 1895.

[ No. 357. ]

AN ACT to amend section twelve of act three hundred ninety-three of the local acts of eighteen hundred seventy-nine, being an act entitled "An act to provide for the keeping of the accounts of and the deposits of the public moneys of the county of Wayne, and to repeal act number fourteen of special session laws of eighteen hundred and seventy-four, relative to the deposit thereof," approved May twenty-seventh, eighteen hundred seventy-nine.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact,* That section twelve of act three hundred ninety-three of the local acts of eighteen hundred seventy-nine, entitled "An act to provide for the keeping of the accounts of and the deposits of the public moneys of the county of Wayne, and to repeal act number fourteen of special session laws of eighteen hundred and seventy-four, relative to the deposit thereof," approved May twenty-seventh, eighteen hundred seventy-nine, be and the same is hereby amended so as to read as follows:

Violation of this  
act to be deemed  
embezzlement.

SEC. 12. Any violation by any person holding the office of county treasurer of said county, of any of the provisions of this act, shall be deemed embezzlement; and the person guilty thereof shall, on conviction, be punished by imprisonment in the State Prison for a term not exceeding two years, or by a fine not exceeding ten thousand dollars, or by both such fine and such imprisonment, at the discretion of the court.

Penalty.

This act is ordered to take immediate effect.

Approved March 29, 1895.

[ No. 358. ]

AN ACT to amend sections four, seven, nine and fifty-nine of the act to revise and amend act number two hundred and sixteen of the session laws of one thousand eight hundred and seventy-one, entitled "An act to incorporate the city of Hastings," approved March eleventh, one thousand eight hundred and seventy-one, as revised and amended by the several acts revisionary and amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith, and to add thereto a new section to stand as section seventy-seven.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.  
That sections four, seven, nine, and fifty-nine of act number two hundred and sixteen of the session laws of one thousand eight hundred and seventy-one, entitled "An act to incorporate the city of Hastings," approved March eleventh, one thousand eight hundred and seventy-one, as revised and amended by the several acts revisionary and amendatory thereof, be and are hereby amended so as to read as follows, and that the new section to be added to said charter to stand as section seventy-seven.

SEC. 4. The following officers shall be elected from among the qualified electors of said city, to wit: One mayor, one recorder (who shall be *ex officio* city clerk), one treasurer, and four justices of the peace; and such officers shall be elected in the following manner: The mayor, recorder and treasurer shall be elected on the first Monday in April, and shall be chosen for one year and until their successors are elected and qualified; there shall also be elected annually one justice of the peace, and the term of all justices elected under and by virtue of this act shall commence at the same time, and they shall hold their office for the same length of time as justices of the peace elected in and for the several townships of this State. There shall also be elected annually one supervisor in wards one and four, and one supervisor in wards two and three of said city, who shall hold their office for one year and until their successors are elected and qualified. Officers, when elected.

SEC. 7. The common council shall have power to appoint such other officers whose election is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and may remove the same at pleasure; they shall also have power to remove the treasurer for any gross violation of the provisions of this act, of the ordinances or by-laws of said corporation, or for willfully refusing to comply with any lawful requirements of said common council; and they shall have power at any time, by a majority vote of all the aldermen elect to remove any elective official for any cause they may deem sufficient, and in case of the death, resignation, removal from office, removal from the city or from the ward for which he was elected, of any officer in the corpora- Power of council to appoint other officers, when. Power to remove elective officers, when.

Proviso relative  
to special elec-  
tions.

tion, the common council shall, as soon as may be, appoint an officer to fill such vacancy until the next general or city election, when the same shall be filled by election, for the unexpired portion of the term thereof; and all officers thus appointed or elected shall be notified, and shall qualify as herein required: *Provided*, That said common council may, at any time, order a special election after having determined upon the necessity of the same to fill vacancies existing in any offices which are elective under this act, in which case they shall designate the time and place for holding such special election, and the same notice shall be given as for an annual election, and shall name the office or offices to be filled; and every person thus elected shall receive notice and qualify as aforesaid, and serve for the remainder of the term of such office. The city council shall have authority to compensate the officers appointed by them under the provisions of this act, from the funds of said city, prescribe their powers and duties, not specifically defined by this act.

Duty and power  
of the mayor.

SEC. 9. It shall be the duty of the mayor to preside at all meetings of the council, and in case of a tie, to cast the deciding vote, except the raising and appropriating of money and confirming nominations of officers made by the mayor; but he shall not vote in any other case. He shall be the chief executive officer of said city, and shall be *ex officio* member of said council. He shall have power and shall appoint all standing committees. He shall have power and authority to appoint a marshal of said city, chief of a fire department, street commissioner, city physician and city attorney; said officers to be confirmed by a majority vote of the common council. The mayor may remove any officer appointed by him at any time whenever he shall deem it for the best interests of the city, by and with the consent of a majority vote of the common council, and may suspend any policeman for any neglect of duty. He shall preside at all meetings of the said council and call special meetings whenever he shall deem it expedient, or whenever requested in writing, by three or more aldermen. The mayor shall see that all by-laws, rules and regulations and ordinances of said city are enforced, and he shall have authority at all times to examine and inspect the books, records and papers of any agent, commissioner or officer of the corporation, pertaining to the duties and offices of such person. He shall have supervision and control of the marshal and police; he shall countersign all warrants and orders for money on the treasurer of said city, and shall perform generally such duties as may be required of him by this act. He shall be conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder. He shall have the authority to command the assistance of able-bodied citizens to aid in the enforcement of the ordinances of the council, and suppress riot and disorderly conduct. The common council shall at its first regular meeting after any election, appoint one of its members to be president of the council. Such president shall in the absence of the mayor, or in case of his inability to act, per-

President of  
the council.

form all the duties of mayor. The mayor is hereby given the Veto power.  
veto power upon all questions pertaining to the raising and  
disbursing of money in said city.

SEC. 59. The common council shall have power and Poll-tax and  
highway fund.  
authority to assess and collect from every male inhabitant of  
said city, over the age of twenty-one years (paupers, idiots,  
lunatics and persons exempted by the general laws of this State  
exempted), a list of whom shall be made and returned by the  
supervisor at the time of making his annual assessment, an  
annual capitation or poll-tax, not exceeding one dollar, and shall  
assess and levy a tax not exceeding one-tenth of one per cent  
upon all real or personal property in said city, and they may  
prescribe ordinances and by-laws for the collection of the same  
and the moneys so collected shall constitute a general highway  
fund, and shall be expended under and by direction of said  
common council in repairing the streets, alleys and bridges,  
whenever and wherever within the city limits said common  
council shall deem just and proper.

SEC. 77. At the annual city election held on the first Mon- Members of  
the board of  
review.  
day in April in eighteen hundred ninety-five, there shall be  
elected by ballot on the regular city ticket two suitable electors  
of the city to serve as members of the board of review, one of  
whom shall be elected for one year and one for two years, and  
annually thereafter one member shall be elected for two years,  
who shall take the constitutional oath of office. The super-  
visors, the city attorney and the two electors so elected shall  
constitute a board of review for said city. The common coun- Council may  
temporarily fill  
vacancies.  
cil of said city may temporarily fill any vacancy that may  
occur in the membership of said board of review, but no mem-  
ber of said common council shall be eligible to fill such  
vacancy. A majority of said board of review shall constitute  
a quorum for the transaction of business, but a less number  
may adjourn from day to day, and a majority vote of those  
present shall decide all questions.

This act is ordered to take immediate effect.

Approved March 29, 1895.

[ No. 359. ]

AN ACT to amend section four of chapter two, sections three  
and five of chapter three, sections one, six, twelve, fourteen,  
twenty-four, twenty-five and twenty-seven of chapter seven,  
chapter nine by adding thereto three new sections to stand  
as section five, six and seven, sections one and three of  
chapter nineteen, section four of chapter twenty, section  
eighteen of chapter twenty-one, and section six of chapter  
twenty-five, of act number three hundred and thirty-three of  
the session laws of eighteen hundred and eighty-nine,  
entitled, "An act to incorporate the city of Cheboygan, and

to repeal an act entitled 'An act to reincorporate the village of Cheboygan, in the county of Cheboygan,' approved March twenty-seventh, one thousand eight hundred and seventy-seven," approved March thirteenth, one thousand eight hundred and eighty-nine.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact,* That section four of chapter two, sections three and five of chapter three, sections one, six, twelve, fourteen, twenty-four, twenty-five and twenty-seven of chapter seven, chapter nine by adding thereto three new sections to stand as sections five, six and seven, sections one and three of chapter nineteen, section four of chapter twenty, section eighteen of chapter twenty-one and section six of chapter twenty-five, of act number three-hundred and thirty-three, of the session laws of eighteen hundred and eighty-nine, entitled "An act to incorporate the city of Cheboygan and to repeal an act entitled 'An act to reincorporate the village of Cheboygan, in the county of Cheboygan,' approved March twenty-seventh, one thousand eight hundred and seventy-seven," approved March thirteenth, one thousand eight hundred and eighty-nine, be and the same are amended so as to read as follows:

## CHAPTER II.

### REGISTRATION.

Sessions of.

SEC. 4. Each ward shall be an election district by itself. On the Saturday next preceding the general election and on the Saturday next preceding the day of the regular city election, or any special election, and on such other days as shall be appointed by the council of the city, not exceeding three days in all previous to any such election, the several boards of registration for the city, except as in this act otherwise provided, shall be in session at such places in their several wards as shall be designated as hereinafter provided, from eight o'clock in the forenoon until five o'clock in the afternoon for the purpose of completing the lists of the qualified voters; during which session it shall be the right of each and every person then actually residing in the ward, and who, at the then next approaching election, may be a qualified elector, and whose name is not already registered, to have his name entered in the register. In case of the absence of either or both of the persons, who, by the provisions of this chapter, are to constitute the board of registration, then in either such case the electors present may choose, *viva voce*, from among the qualified voters present, such a number as shall make a board of registration of two members.



## CHAPTER III.

## OFFICERS.

SEC. 3. The following officers shall be appointed by the council, viz.: A city attorney, a city marshal, a city clerk, a city surveyor, a city street commissioner and a chief engineer of the fire department. The council may also from time to time provide by ordinance for the appointment of, and appoint, for such term as may be provided in the ordinance, such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary, for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.

Appointive  
officers.

SEC. 5. The mayor, treasurer, supervisors and constables shall be elected annually at the annual city election provided for in this act, and shall hold their respective offices for the term of one year from the first Monday in April of the year when elected, and until their successors are elected and qualified, and enter upon the duties of their offices: *Provided*, That no person shall be eligible to election to the office of city treasurer for more than two consecutive years. Nor shall any person be permitted to qualify and enter upon the discharge of his duties for a second term as treasurer of said city, until such time as he shall have procured from the committee, board, officer or officers, to whom the matter of examining and settling his accounts shall have been referred or delegated, a certificate, and filed the same with the city clerk, setting forth that they have examined the accounts of the said treasurer and have found them correct, and that the moneys and balances shown by said accounts in the several funds of the city are actually in the hands of the treasurer in cash separate and apart from his personal funds. On the failure of such treasurer elect to procure and file such certificate on or before the time within which, by the provisions of this act, he is required to subscribe and file his official oath, the council may declare the office of treasurer vacant, and proceed to appoint some person to fill such vacancy until the next annual election. One alderman shall be elected from each ward annually, at such city election, for the term of two years from the first Monday in April of the year when elected, and until his successor is elected and qualified and enters upon the discharge of his duties, except as hereinafter provided. One justice of the peace shall be elected annually, at each city election, for the term of four years from the fourth day of July next after his election.

Term of certain  
officers.

Provide.

## CHAPTER VII.

## POWERS, DUTIES AND COMPENSATION OF OFFICERS.

## THE MAYOR.

**Mayor.** SECTION 1. The mayor shall be the chief executive officer of the city, and shall receive such annual salary as the council shall determine by ordinance or resolution, not exceeding two hundred dollars. He may also receive a reasonable compensation, not exceeding, however, two dollars per day, for the time actually employed on the board of review.

**Duties.** He shall preside at the meetings of the council, and shall from time to time give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government; see that the laws relating to the city and the ordinances and regulations of the council are enforced.

## ALDERMEN.

**Members of city council.** SEC. 6. The aldermen of the city shall be members of the council, and attend the meetings thereof, and act upon committees when thereunto appointed by the mayor or council. As conservators of the peace, they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city. They shall severally serve without compensation or salary. But for the time actually employed on the board of registration, and as inspectors of election, they may receive such reasonable compensation, not exceeding, however, at the rate of two dollars per day, as the council may allow.

**When to have compensation.**

## CITY TREASURER.

**Bond.** SEC. 12. The city treasurer, before entering upon the discharge of the duties of his office, besides taking the oath of office, shall give such bond to the city for the due and faithful performance of the duties of his office, in such amount and with such sureties as the council shall require, which sureties shall be approved by the council of said city; and such bond shall be in the form and with the conditions, as near as may be, as is required by law of township treasurers. He shall also

**Renewal.** renew such bond when and as often as required by the council, with such other or further sureties, and in such sum as the council shall require. He shall also give all such other bonds,

**Other bonds.** with sufficient sureties, as is or shall be required by law of township treasurers by the laws of this State. The bond required by law to be given by the city treasurer to the county shall be approved by the mayor and county treasurer.

**SEC. 14.** The treasurer shall render to the clerk on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received and the amounts paid out by him from each fund during the preceding month and the amount of money remaining in each fund on the day of his report, and also a report of all school and library moneys received and paid out by him, and produce all vouchers for such payments. He shall also exhibit to the council or to a committee thereof, and whenever and so often as the council may require, the true condition and situation of the funds on hand, and at the same time by producing and exhibiting the same show that he has all the moneys that should be in the treasury actually on hand and in cash separate and apart from his personal funds. The refusal or neglect of the treasurer to comply with the foregoing provisions shall subject him to immediate removal from office by the city council.

Reports.

Penalty for refusal or neglect to comply.

#### STREET COMMISSIONER.

**SEC. 24.** It shall be the duty of the street commissioner to perform or cause to be performed all such labors, repairs and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and parks within the city as the council shall direct to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the council.

Duty of.

**SEC. 25.** He shall make a report to the council in writing, and on oath, once in each month, and oftener if required by the council, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor, the amount of material used, and the expenses thereof, and the street or place where such material was used or labor performed, and further showing the items and purpose of all expenses incurred since his last preceding report; and no payment for labor or services performed or for expenses incurred by him shall be made until reported on oath as aforesaid; and he shall receive such compensation as the council may determine, not exceeding three dollars for each day actually employed.

Reports.

#### CONSTABLES.

**SEC. 27.** The constables of the city shall obey all lawful orders of the mayor, aldermen and chief of police, and of any court or justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution or regulation of the council; and for any neglect or refusal to perform any duty required of him every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable before entering upon the duties of his office shall give to the city a bond to be approved by the council and

Duties.

Penalty for neglect or refusal to perform duties.

Bonds.

Condition of  
bonds.

filed with the clerk, in such an amount and with such sureties as the council may require, for the due and faithful performance of the duties of his office, and further conditioned that he will pay to each and every person who may be entitled thereto all such sums of money as he may become liable to pay on account of any neglect or default in the service or return of any process that may be delivered to him for service or collection. And besides the right of the city to prosecute such bond, suit may be maintained and recovery thereon had by any person who shall have sustained damage by reason of any misfeasance of such constable in the discharge or failure to faithfully perform the duties of his office, in the name of said city for the use and benefit of such person: *Provided*, That in no case where such bond is prosecuted by a private person shall the city be liable for costs.

Proviso.

## CHAPTER IX.

### GENERAL POWERS OF THE CITY.

Who deemed  
hawkers and  
peddlers.

SEC. 5. All persons selling or offering for sale within said city, any goods, wares or merchandise, except books, magazines and other literary matter, by sample and by carrying such sample for exhibition from house to house, and agreeing to deliver such goods, wares or merchandise at some future time, to be paid for upon delivery, or upon installments or otherwise; and all persons (excepting those permanently located and regularly engaged in merchandising therein), going about from house to house in said city soliciting or taking orders for goods, wares or merchandise, except books, magazines, and other literary matter, to be thereafter delivered, shall be deemed to be hawkers and peddlers within the meaning of this chapter. Nothing contained in this section, however, shall be construed to in any way limit the meaning of the term hawker and peddler as ordinarily employed.

License.

SEC. 6. The council shall have authority to require a license fee, not exceeding one hundred dollars, to be paid by every person, firm or corporation engaging in the retailing or merchandising of any class or kind of goods, wares or merchandise in said city; and are also authorized to regulate, prohibit or license the sale of what are known as bankrupt and fire goods that may be temporarily located in said city; and may enact, in relation thereto, all such ordinances as they may deem necessary.

Authority of  
council to pro-  
hibit children  
under fifteen  
years of age, be-  
ing upon streets  
after certain  
hours.

SEC. 7. The council shall have authority to regulate and prohibit children under fifteen years of age, unless accompanied by their parents or guardians being upon the streets or about the public buildings and places in said city, after certain hours in the evening, to be determined by the council; and to enact all necessary ordinances in relation thereto.

## CHAPTER XIX.

## STREETS, BRIDGES AND PUBLIC GROUNDS.

SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city, and shall cause the same to be kept in repair and free from nuisance. The council shall have the right to fix the names of the streets and avenues of said city, and may alter the same, and may provide for a record thereof to be made and preserved in the office of the city clerk.

Council to have control of.

To fix names of streets and avenues, Record of.

SEC. 3. In cases where a street divides two or more wards, and the center line of the street is the dividing line between such wards, the council may determine and designate what part, or parts, and how much of the length of such street and for its entire width, shall, for the purposes of ordinary street work, be considered and treated as being within any such one of the wards as they may designate.

To apportion work on streets.

## CHAPTER XX.

## SIDEWALKS.

SEC. 4. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or to remove the snow, ice, and filth therefrom, or to remove and keep the same free from obstructions, encroachments, incumbrances, or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks, within such time and in such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be constructed or repaired at the expense of such owner or occupant, and the amount of all expenses incurred by the council thereby may be levied as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk. And the amount of all such expenses shall also be a charge against such owner or occupant, and in addition to any other remedy, the council shall have the right to recover the same in an action of assumpsit, in a suit by the city against the persons, company or corporation liable therefor.

May require construction of.

Expense of to be special assessment.

## CHAPTER XXI.

## SEWERS, DRAINS AND WATER COURSES.

SEC. 18. The council shall have power to compel the owners of any lands in the city fronting on any street or

Cleaning of ditches.

streets in said city, to deepen or clean out or both deepen and clean out the ditches and gutters, and to construct drains and sewers in such manner, of such size and depth and kind of material as the council may direct, at the sides of any and all streets, in front of and adjacent to their premises; and whenever the council shall determine that such ditches or gutters need cleaning or deepening or both, or that such drains or sewers are necessary, they shall so declare by resolution, and direct the street commissioner to notify the owner or occupant of such lands to clean or deepen, or both clean and deepen, such ditch or gutter, or to construct such drains or sewers in such manner as said council shall direct, within ten days from the time of service of such notice; and in case any such owner or occupant shall refuse or neglect to comply with such notice, the work shall be done by the street commissioner, and the cost and expense thereof may be recovered by said city from such owner or occupant, with costs of suit, before any court of competent jurisdiction; and as a cumulative remedy such costs and expenses may be assessed upon such lands of such owner and collected in the same manner as other assessments for public improvements.

Cost thereof.

May be assessed upon lands of owner.

## CHAPTER XXV.

### ASSESSMENT AND COLLECTION OF TAXES.

Taxes assessed to become a lien.

Personal taxes.

Fees for collection.

SEC. 6. The taxes assessed as provided in the preceding section shall become at once a debt to the city from the person to whom they are assessed, and the amounts assessed on any interest in real property shall, on the first Monday in July, become a lien upon such real property, and the lien for such amounts, and for all interest and charges thereon, shall continue until payment thereof. And all personal taxes shall also be a lien on all personal property of such persons so assessed from and after the first Monday in July in each year, and shall take precedence of any sale, assignment or chattel mortgage, levy or other lien, on such personal property executed or made after the said first Monday in July, except where such property is actually sold in the regular course of trade. To all taxes paid or tendered to him within thirty days from the date of the warrant, the treasurer may add thereon and in addition thereto, and collect one per cent for collection fees, and to all taxes thereafter paid four per cent collection fees.

This act is ordered to take immediate effect.

Approved March 30, 1895.

## [ No. 360. ]

AN ACT to attach certain territory to the village of Dundee,  
Monroe county, in this State.

SECTION 1. *The People of the State of Michigan enact,* Territory attached to village of Dundee.  
That all that portion of sections twenty-four, thirteen, nineteen and eighteen, in the township of Dundee, in Monroe county, and described as follows, to wit: The east half of the northwest quarter of the northwest quarter of section twenty-four, town six south, range six east; also the east half of the west half of the southwest quarter of section thirteen, town six south, range six east; also the east half of the southwest quarter of northwest quarter of section thirteen, town six south, range six east; also the southeast quarter of the northwest quarter of section thirteen of town six south, range six east; also the northeast quarter of section thirteen, south of north line of Cincinnati, Jackson and Mackinaw railroad right of way, town six south of range six east; also the southwest quarter of the northwest fractional quarter of section eighteen, town six south, range seven east, south of the north line of Cincinnati, Jackson and Mackinaw railroad right of way; also the north fraction of northwest fractional quarter north of river Raisin of section nineteen, town six south, range seven east; also the remainder of northwest fractional quarter of section nineteen, south of river Raisin, not now included in corporation in town six south, range seven east; also a small triangular piece of land lying between the east half of the northwest quarter of the northwest west quarter of section twenty-four, town six south of range six east, and south line of Riley street, being a part of the east half of the southwest quarter of the northwest quarter of said section twenty-four, containing about three acres, be and the same is hereby attached to the village of Dundee and becomes a part thereof.

This act is ordered to take immediate effect.

Approved April 2, 1895.

## [ No. 361. ]

AN ACT to detach certain territory from the township of Doyle in the county of Schoolcraft, Michigan, and to attach the same to the township of Germfask in the same county.

SECTION 1. *The People of the State of Michigan enact,* Territory detached from the township of Doyle and attached to township of Germfask.  
That the following described territory, to wit: The whole of surveyed town forty-three north of range thirteen west, be detached from the township of Doyle in the county of Schoolcraft, and attached to the township of Germfask, in the same county: *Provided,* That such territory affected by this act shall remain subject to the jurisdiction of the township officers

of the township of Doyle, until the date of the next ensuing annual township meeting: *And provided also*, That the township officers of the township affected by this act shall hold their respective offices until their successors in office shall have been duly elected and qualified.

This act is ordered to take immediate effect.

Approved April 2, 1895.

[ No. 362. ]

AN ACT to repeal special act number ninety-two, approved February twelfth, eighteen hundred fifty-five, entitled "An act to organize the county of Manitou," and to attach the territory composing said county to the counties of Charlevoix and Leelanau, and to apportion the property and debts of said county of Manitou.

Act repealed.

Certain township organizations not affected.

Territory attached to Charlevoix county  
Territory attached to Leelanau county.

Organizations and officers to continue.

County officers to wind up business.

Records to be kept on file.

Provided.

SECTION 1. *The People of the State of Michigan enact*, That act number ninety-two, approved February twelfth, eighteen hundred fifty-five, entitled "An act to organize the county of Manitou," be and the same is hereby repealed, excepting and providing, however, that the township organization of the townships of Manitou, Patmos, Peaine and Galilee, as described and organized in section three, four, five and six of said act shall not be affected by this act so far as the township and school organization, officers and records of said townships are concerned.

SEC. 2. The territory embraced in said township of Galilee, viz., the Beaver group of islands, be and hereby is attached to and made a part of the county of Charlevoix; and the territory embracing the North and South Manitou islands, composing the said township of Manitou, and the North and South Fox Islands, composing the township of Patmos, is hereby attached to and made a part of the county of Leelanau. The respective township organizations shall continue as aforesaid, and the several township, school and highway officers shall continue and discharge the duties of their respective offices according to law. And the county officers of the said county of Manitou and the board of supervisors thereof shall at once wind up the county business in their hands and prepare statements and accounts of the same, and deliver the same with all the books, files, papers, records, money and personal property belonging to said county in their hands to the proper officers of the county of Charlevoix, taking receipts therefor, which receipts so taken shall have the same force and effect as the receipt to an officer whose term of office has expired, from his successor; the records so transferred shall be kept by the proper officers of Charlevoix county on file in the proper office, and such records shall have the same force and effect as if this transfer had not been made: *Provided*, That the records of convey-



ances of real estate on the North and South Manitou and the North and South Fox islands, shall be transcribed into proper books by the register of deeds of Leelanau county or under his direction, and such records when so transcribed and certified by him shall have the same force and effect as if originally recorded in his office.

SEC. 3. Said territory heretofore composing the county of Manitou is hereby detached from the thirty-third judicial circuit and attached to and made a part of the thirteenth judicial circuit, and all suits now pending in the circuit court of Manitou county are hereby transferred to the circuit court for the county of Charlevoix, which shall have jurisdiction over the same in all particulars as the circuit court for the county of Manitou otherwise would, excepting and providing that any suits now pending of a local nature, relating to subject matter situated in that portion of said territory transferred and attached to Leelanau county are hereby transferred to Leelanau county, which shall have like jurisdiction thereof, and the files and records of such causes shall be transferred to and be kept by the clerk of said county of Leelanau, and shall have the same force and effect as if originally made and filed in said county.

Change of judicial circuits and transfer of suits.

SEC. 4. The territory of the county of Manitou is hereby detached and transferred so as to be, and shall be, incorporated with the counties of Charlevoix and Leelanau respectively as aforesaid, in the congressional, legislative, senatorial districts to which said counties respectively belong.

Territory transferred and attached to the counties of Charlevoix and Leelanau.

SEC. 5. All real estate or fixed property belonging to said county of Manitou shall be sold as soon as convenient by the treasurer of the county of Charlevoix at public sale on ten days' notice posted in three public places in the township where situated, and the proceeds shall be by him applied in payment of any valid indebtedness of said county of Manitou.

Real estate and property to be sold.

SEC. 6. The present county clerk and treasurer of Manitou county shall meet with the county clerks and treasurers of Charlevoix and Leelanau counties at the office of the county clerk of Charlevoix county on his call, as soon as convenient after the first day of May next, and shall proceed to audit all accounts of said county so far as the same can be ascertained, and the record of such accounts stated with all the vouchers or papers pertaining thereto shall be preserved in the office of the clerk of Charlevoix county for future reference and information, and the time of said clerk and treasurer of Manitou in making such accounting at two dollars per day each, and mileage at five cents per mile each way, going and returning, shall be allowed by the board of supervisors of Charlevoix county and paid out of the general fund.

County clerks and treasurers to meet and audit accounts.

SEC. 7. If any person shall be in the custody of the sheriff of said county of Manitou under warrant, process, or commitment at the date hereof, the said sheriff shall at once take and deliver such prisoner over to the sheriff of the county of Charlevoix with the warrant, process, or commitment under which he is held, and the authority and term of office of said sheriff

Compensation of clerk and treasurer.

Sheriff to deliver prisoners over to sheriff of Charlevoix county.

Authorized to  
receive and hold.

of Manitou is hereby preserved and extended for sufficient time so to do, and the sheriff of Charlevoix county shall be, and hereby is, authorized and empowered to receive and hold such prisoner in the same manner as if said county of Manitou had been included in Charlevoix county at the time of their arrest or commitment, and the sheriff of Manitou county shall be allowed and paid the usual fees and traveling expenses for transferring and delivering said prisoners to the custody of the sheriff of Charlevoix county, by said county of Charlevoix.

Settlement to be  
made between  
counties.

SEC. 8. Settlement shall be made between the counties of Charlevoix and Leelanau according to existing law, so far as applicable, and substantially the same plan and principle shall be extended so as to make a full and fair adjustment between the said counties in regard to all debts, credits and property pertaining to said county of Manitou, apportioning the same between said counties respectively in proportion to the relative assessed value of the territory attached to each as aforesaid.

Outstanding  
debts, how ap-  
portioned and  
paid.

SEC. 9. The valid outstanding debts against said county of Manitou, after applying any money found on hand and obtained from sale of property or received from delinquent taxes and sales, shall be apportioned and remain valid and binding on said territory in proportion according to the relative valuation fixed by the board of supervisors of Manitou county at their October session, eighteen hundred ninety-four, and in levying and collecting necessary taxes in said territory, to pay and discharge the same, the board of supervisors of Charlevoix county shall at their annual October session, eighteen hundred ninety-five, first ascertain the percentage of county debt against the present territory of Charlevoix at this date, and also compute and ascertain the percentage of indebtedness found as aforesaid, against the territory so acquired from Manitou, and if found to be greater than the percentage of indebtedness then outstanding against Charlevoix county, then such excess in amount shall be carried and remain as a separate obligation and indebtedness against the territory so attached, but the board of supervisors, for its payment, shall order taxes to be spread on said territory by the proper township officers, and be collected and paid into the county treasury, and be used and paid out under the order of the board of supervisors in satisfaction of such excess of indebtedness, and the remainder of such indebtedness to the extent of an equal percentage on the assessed valuation with the existing debt of Charlevoix county as aforesaid, shall become a part of the indebtedness of the county at large, and shall be satisfied and paid as a county debt, according to law, and the county of Charlevoix shall succeed to all rights of the county of Manitou on the bonds given by the officers of said county for the faithful discharge of the duties thereof, and shall have the right to collect for any breach thereof, which may have occurred prior to the taking effect of this act.

Board to ascer-  
tain percentage  
of indebtedness.

To remain a  
separate obliga-  
tion.

Shall succeed to  
all rights on  
bonds.

The same ar-  
rangements  
shall apply to  
Leelanau  
county.

SEC. 10. The same proceedings and arrangements above mentioned shall be taken and made in Leelanau county as to

the proportion of debt apportioned to the territory attached to Leelanau county.

SEC. 11. The Auditor General shall take notice of and be governed by the various proceedings above indicated in all proceedings in his office relating to taxes on said territory, or any portion thereof, so that the transfer and attachment of the respective portions of territory aforesaid, to Charlevoix and Leelanau counties, shall carry with it all benefits and obligations pertaining thereto.

Auditor General to take notice of and be governed by.

This act is ordered to take immediate effect.

Approved April 4, 1895.

[ No. 363. ]

AN ACT to authorize the board of health of Readmond township, Emmet county, Michigan, to sell and convey a portion or all of the cemetery on section fifteen (15) in township thirty-seven north of range six west.

SECTION 1. *The People of the State of Michigan enact,* That the board of health of the township of Readmond, in Emmet county, be and they are hereby authorized and empowered to sell and convey by proper deeds of conveyance a portion or all of the cemetery situate on section fifteen (15), in township thirty-seven north of range six west, in said township.

Authority to sell and convey a portion of a certain cemetery.

This act is ordered to take immediate effect.

Approved April 4, 1895.

[ No. 364. ]

AN ACT to amend sections two and three of act number four hundred nineteen of the local acts of Michigan of eighteen hundred eighty-seven, being an act entitled "An act to organize a school district and to create a graded school in the township of Standish, county of Arenac, and the township of Pinconning, in the county of Bay, in the State of Michigan, and to establish the boundaries of school districts rendered necessary by the organization of such school district."

SECTION 1. *The People of the State of Michigan enact,* That sections two and three of act four hundred nineteen of the local acts of eighteen hundred eighty-seven, approved March thirty, eighteen hundred eighty-seven, being an act entitled "An act to organize a school district and to create a graded school in the township of Standish, in the county of

Sections amended.

Arenac, and the township of Pinconning, in the county of Bay, in the State of Michigan, and to establish the boundaries of school districts rendered necessary by the organization of such school district," be and the same are hereby amended so as to read as follows:

Board of trustees and election of.

SEC. 2. The board of trustees of such graded school district shall consist of five persons, who shall be elected by the qualified electors of said district at the annual school meeting of said district, to be held on the second Monday of July in each year, at which time there shall be elected five trustees by ballot from the qualified voters of the district, one trustee for the term of one year, two for the term of two years and two for the term of three years, and annually thereafter a successor or successors to the trustee or trustees whose term of office shall expire.

Examination of teachers.

SEC. 3. The examination of persons who may present themselves for the position of teacher in said district shall be governed by the general laws of the State relative to the examination of teachers.

This act is ordered to take immediate effect.

Approved April 4, 1895.

[ No. 365. ]

AN ACT to reorganize the townships of Ft. Gratiot and Port Huron in the county of St. Clair and defining the boundary line and name of each township.

Territory detached and attached to township of Port Huron.

SECTION 1. *The People of the State of Michigan enact,* That all that portion of the township of Ft. Gratiot lying south of Black river, be and is hereby detached from said township and attached to and made a part of the township of Port Huron; and that all of the territory now embraced in the township of Port Huron, together with that part of the township of Ft. Gratiot south of Black river shall hereafter be known as the township of Port Huron, and all that portion of Ft. Gratiot township north of that line shall hereafter constitute and be known as the township of Ft. Gratiot.

This act is ordered to take immediate effect.

Approved April 4, 1895.

## [ No. 366. ]

AN ACT to amend sections four and five of chapter eight of act number three hundred twenty-six of the local acts of eighteen hundred eighty-three, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three, as added by act number four hundred eighty-eight of the local acts of eighteen hundred eighty-seven, so as to increase the power and more clearly define the duties of the board of estimates of said city.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.  
That sections four and five of chapter eight of act number three hundred twenty-six of the local acts of eighteen hundred eighty-three, entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," as added by act number four hundred eighty-eight of the local acts of eighteen hundred eighty-seven, be and the same are hereby amended to read as follows:

SEC. 4. Before any moneys shall be raised or taxes levied and collected for the purpose of the several funds mentioned in the charter of the city of Detroit, and acts amendatory thereof, excepting interest and sinking funds, for the purpose for which moneys are required to be raised by other acts relating to said city, which require estimates for taxes to be submitted by the city controller, or other officers and boards the estimates of the amount of moneys required for such funds or purposes by tax shall be submitted to said board of estimates; and before any bonds shall be issued said issue shall be authorized by said board of estimates. Estimates of controller to be submitted to the board of estimates. The estimates for the general city taxes shall be acted upon by the common council, as provided by law, and shall be submitted to said board of estimates in time to be considered by the board, on or prior to said fifteenth day of April. Estimates for general city taxes shall be submitted to board of estimates. Said board shall carefully consider all estimates hereby required by this act, to be submitted to it, of moneys to be raised as aforesaid, and shall approve or disapprove the same. Duties of board of estimates. It may decrease the amount to be raised, but shall not increase the same. The said board shall have the power and it shall be its duty, after careful consideration of the various estimates referred to it, if it shall deem it advisable so to do, to disallow any item, items, or parts of items, in the different funds, as well as in the gross amounts thereof, as the said board may deem advisable, and it shall be unlawful for the common council of said city to create any expenditure or expend any moneys as to items specifically disallowed and disapproved by such board of estimates. May authorize the issuing of bonds. The said board of estimates may authorize the issuing of bonds by a majority vote of all the members elect, in all cases whenever such proposition has been duly and lawfully referred to said board for its action, by the said common council, and a majority vote of all the members elect of said board shall also be required to authorize

or approve of any such estimates for different funds, or any part thereof, to be raised by taxation.

Votes approving or disapproving any estimate, how taken.

Statement of amount to be raised by taxation.

To be transmitted to common council.

Only such bonds shall be issued as shall be authorized by board of estimates.

Tax for, to be levied.

SEC. 5. All votes in said board approving or disapproving of any estimate, or decreasing the amount thereof, or authorizing or disapproving of the issue of bonds, shall be taken by yeas and nays and entered upon the record of its proceedings. After said board shall have considered the said matters required to be submitted to it, it shall cause an itemized statement to be made of the amount approved by it to be raised by taxation, or for the issue of bonds and the fund or purpose for which raised, which statement, after having been adopted by a majority vote of all the members elect of said board, shall then be certified by the president and secretary of said board, and shall be transmitted to the common council, and only so much of such estimates, or amount to be raised by taxation, as shall have been approved by said board, shall be raised, collected and expended in said city, and only such bonds shall be issued as shall be authorized by said board of estimates, as herein provided. The common council of said city, upon the approval of said estimates, or any part thereof, by said board, shall cause to be levied and collected by general tax the amount thereof so approved, and may issue any bonds so authorized to be issued by said board of estimates, as aforesaid.

This act is ordered to take immediate effect.

Approved April 5, 1895.

[ No. 367. ]

AN ACT to provide a board of jury commissioners for the county of Macomb and the manner of selecting jurors to serve in the circuit court for said county and to prescribe their duties and fix their compensation, and to punish violations of this act.

Board of jury commissioners, appointment of.

Vacancies in board, how filled.

Official term of commissioners.

SECTION 1. *The People of the State of Michigan enact,* That the Governor of the State shall appoint a board of jury commissioners for the county of Macomb, consisting of six persons, each of whom shall be a citizen of the United States and a resident elector and freeholder of the said county. Three of the said persons shall be appointed for two years, and three for four years. The Governor shall, from time to time, appoint persons of like qualifications as successors to the said commissioners, and shall also fill all vacancies occurring in the board from any cause. The official term of said commissioners shall begin on the fifteenth day of April, eighteen hundred and ninety-five, or as soon thereafter as they may be appointed under this act, and all subsequent appointments, except for the filling of vacancies, shall be for the term of four years. The said commissioners shall respectively serve until their successors are appointed and have qualified. Said commissioners

shall before entering upon their duties, take the constitutional oath of office and file the same with the county clerk. Said commissioners shall receive the sum of two dollars per day, while actually engaged in the duties of said commission for their services, and shall receive mileage at the rate of five cents per mile for each mile necessarily traveled each way by them in the performance of their duties, to be allowed by the board of supervisors of the said county, to be paid out of the general fund in the treasury of said county not otherwise appropriated.

To file oath.

Compensation.

SEC. 2. Said board shall meet annually on the first Monday of May in each year at the hour of ten o'clock in the forenoon, or as soon thereafter as shall be found practicable, at the office of the clerk of said county, and shall then and there select from the assessment rolls of the several wards and townships of the said county, for the preceding year, a list of names of persons to serve as petit jurors in the circuit court of the said county for the succeeding year. The county clerk shall be the clerk of the said board, and shall keep a record of their doings in a book to be provided for that purpose, which record shall, at the close of each meeting of the board, be signed by the members thereof and attested by the said clerk, and shall then be evidence in all courts and places of the doings of the said board.

To meet annually.

To select list of names of persons to serve as petit jurors.

Clerk of board.

Record of proceedings.

SEC. 3. Such list shall consist of six names from each township and ward containing four hundred inhabitants, or less, according to the last preceding census, and ten names from each township and ward containing more than four hundred inhabitants according to said census. Said list when so prepared, shall be used in selecting petit jurors of the said circuit court for the succeeding year ending on the first Monday of May, and until a new list shall be chosen in accordance with this act, in the place of the lists now required by general law to be returned by the supervisors and assessors of the said county.

What list to contain.

List to be used in selecting petit jurors.

SEC. 4. In case a majority of the said board shall, for any cause, fail to be present at the time fixed for the annual meeting the clerk shall make a record of the fact and adjourn the said meeting from day to day until the said board, or a majority of them, shall be present.

Clerk may adjourn meeting, when.

SEC. 5. Said commissioners shall also make a list of names to serve as grand jurors of the said county, consisting of two names from each township and ward in the county, which list shall not contain any names already on the list of petit jurors.

Commissioners to make list of names to serve as grand jurors.

SEC. 6. The persons so chosen to act as jurors shall be electors of the township or ward from which they are chosen, citizens of the United States, and shall be persons of good character, of approved integrity, of sound judgment, and well informed, conversant with the English language and in full possession of their natural faculties, not infirm or decrepit and otherwise free from legal exceptions. No person shall be selected by the said board as a juror in the said circuit court who shall have served upon a panel of jurors in the said court within a year next preceding the time of selection of the term

Who qualified to act as jurors.

of court at which the question shall arise, and if so selected, he may be challenged for cause, for that reason; and such cause if found to be true shall be held by the court as a just and sufficient ground for such challenge.

**Misdemeanor.**

SEC. 7. Any commissioner who shall cause any person to be selected, or propose the name of any person for selection, who shall have made any request to be selected as a juror or in whose behalf any such request shall have been made, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding one thousand dollars or by both such fine and imprisonment and such conviction shall operate to remove him from office and the vacancy shall be filled by the Governor.

**Penalty.**

**Duty of county clerk.**

SEC. 8. On [the] completion of the record of the said annual meeting of the said commissioners the county clerk shall write the names chosen for petit jurors on separate pieces of paper of the same size and appearance as near as may be, and he shall place the slips of paper containing the names selected from each ward and township of the county in a separate package, endorse the name of the township or ward thereon and retain the same therein securely sealed until the same are drawn in the manner hereinafter provided.

**Time and manner of selecting a jury.**

SEC. 9. At least fourteen days before the first day of any term of the circuit court for the said county, at which a jury is to be in attendance, the said county clerk shall, in the presence of the circuit judge, and in case of his absence from the county or of his disability to attend, then in the presence of the probate judge and the sheriff, of the said county, to whom he shall give due notice of the time and place at least two days in advance, proceed to select a jury for the next term of the said court in the manner following: The package containing the names of the jurors shall be arranged in alphabetical order, and shall in such order beginning at "A," be separately opened and the slips therein placed in a box to be known as the jury box. The box shall then be shaken in such manner as to thoroughly commingle the slips, and one of the persons in attendance shall draw therefrom one of the slips of paper, and the name appearing thereon shall be a juror for the said term of court; the remainder of the packages shall then be successively treated in the same manner in alphabetical order until such number of persons have been chosen as the said circuit judge shall have directed to be drawn for the said term and such persons so chosen shall be the jurors for the said term, and each drawing after the first shall begin at the package next succeeding in alphabetical order the one last used in the preceding drawing. It shall be the duty of the said circuit judge or the probate judge, in case of the absence or disability of the circuit judge as aforesaid, and the sheriff, to attend at the time and place fixed by the county clerk on receiving the notice herein provided. In case one of the said judges or sheriff shall not be present at the time and place fixed for the said drawing the clerk shall adjourn the drawing until some other time and from time to

**When drawing may be adjourned.**



time until one of them is present. A record of the said drawing shall be kept by the clerk in the same book in which the record of the doings of the jury commissioners is kept. When a name is drawn from the said box and duly recorded the slip containing it shall be destroyed and the remaining slips containing the names from the said township or ward shall again be returned to a package and sealed and endorsed as before to await the next drawing. If the name of any person be drawn who, to the knowledge of either of the persons, shall have deceased or become insane or have removed from said county a record of the fact shall be made, the slip containing the name destroyed, and another name be at once drawn from the same town or ward to supply the place.

Record of drawing.

SEC. 10. At the conclusion of such drawing the said clerk, judge and sheriff, shall respectively sign the record thereof, and the clerk shall thereupon issue a *venire facias* to the sheriff of the said county commanding him or any of his deputies to summon the said person so selected to be and appear in said court at the time and place therein named to serve as petit jurors for the said term of the said court.

Record to be signed by.

SEC. 11. Said *venire facias* shall be served at least six days before the first day of the said term of court, by delivery of a written notice to the several persons or by leaving it at the place of residence of the juror with some person of suitable age and discretion, to whom its contents shall be made known, and return thereof shall be made to the said court at its opening, showing the manner of service upon each juror.

When *venire facias* to be served.

Return of.

SEC. 12. Whenever for any reason petit jurors shall not have been drawn to attend any term of said court, or in the opinion of the presiding judge of said court a sufficient number of jurors are not in attendance upon the court to do the business thereof, the presiding judge of said court may order such number of jurors to be forthwith drawn as in his judgment will be sufficient and in such case the drawing shall be conducted in the same manner as though done before the opening of the term: *Provided*, That for the purpose of expediting business the presiding judge of said court may, in his discretion, direct the township and wards from which such jurors shall be drawn.

When presiding judge may order additional jurors drawn.

Provide.

SEC. 13. When jurors are drawn in accordance with the preceding section [a] *venire facias* shall issue requiring the attendance of the persons chosen at such time as the court shall order and be served forthwith.

*Venire facias* to be served.

SEC. 14. Whenever there shall not be a sufficient number of jurors present and qualified to sit and to form a panel for the trial of any cause to be tried the court may direct talesmen to be drawn and summoned, but all such talesmen shall be drawn from the jury lists provided by the board of jury commissioners, and in the manner above herein provided for regular jurors: *Provided*, That for the purpose of expediting business the presiding judge of said court may, in his discretion, direct the townships and wards from which such jurors shall be drawn. The slips containing the names of all tales-

Talesmen to be drawn, when.

Provide.

men who appear and serve as jurors shall be at once destroyed and the names of those who do not appear and serve shall be returned to their respective packages.

When court to  
order an im-  
mediate convening  
of board.

SEC. 15. In case the said board of jury commissioners shall for any reason fail to meet or select names to act as jurors, or in case any list of jurors shall become exhausted, or be declared illegal before the expiration of the year for which it was selected, the court shall have power to order an immediate convening of the said board and selection of a list in accordance with the terms of this act.

Compensation  
of jurors.

SEC. 16. Jurors drawn under the provisions of this act shall receive payment at the same rate as is now provided by the general law for the payment of jurors in courts of record. They shall also be subject to like exemptions and challenges as jurors in courts of record under general law.

This act is ordered to take immediate effect.

Approved April 5, 1895.

[ No. 368. ]

AN ACT to revise, amend and consolidate all acts relative to union school district of the city of Flint.

Territory of the  
city of Flint to  
be a single  
school district.

SECTION 1. *The People of the State of Michigan enact,* That the territory embraced within the city of Flint shall always constitute a single school district, and shall be known and designated as union school district of the city of Flint, and in addition to the powers and privileges hereinafter conferred by this act, it shall have all the powers and privileges, not inconsistent therewith, conferred upon school districts by the general laws of the State.

School board to  
be constituted  
of nine trustees.  
When elected.

SEC. 2. The school board of said union school district shall continue to be constituted of nine trustees, three of whom shall be elected on the first Monday in April, of each year, and hold their offices for the term of three years from and after the first Monday after their election. The terms of the present trustees shall severally expire on the second Monday in April that occurs three years after the date of their election. For the purpose of the election of trustees under this act the said union school district shall be divided into three subdistricts, the first to consist of that portion of said district lying north of Flint river, the second to consist of that portion of said district lying south of Flint river and east of Saginaw street, and the third to consist of that portion of said district lying south of Flint river and west of Saginaw street: *Provided,* That in said third subdistrict one of said trustees shall be and remain during his term of office a resident of the fourth ward of the said city of Flint. The election of trustees shall be by ballot and each qualified voter may vote in the ward in which he resides and not elsewhere for one person for the office of trustee

Term of.

Subdistricts.

Proviso.

Trustees, how  
elected.

from his subdistrict. Each trustee shall be a qualified school voter and resident of the subdistrict in which he shall be elected. At least ten days before the election, notice thereof shall be given by the secretary in the official paper of the district, and if any vacancy is to be filled, like notice thereof shall be given. The election shall be held at the same time and place, and conducted in the same manner and by the same officers in each ward as is provided by the charter for the election of ward officers. The inspectors of election in the several voting precincts of the city are hereby required to prepare a separate ballot box at each of the annual elections provided for in this act, to receive all ballots that may be offered at such election for trustees of said union school district from the subdistrict in which the ward may be, and no other officer shall be voted for on such ballot. The said inspectors of election shall make the same canvass and public statement of votes given for trustee as for ward officers, and also a certificate of the number of votes given for each person for the office of trustee, which shall be immediately filed in the office of the secretary of the board of trustees; and on the Wednesday next following such election the said board shall meet at the office of its secretary and ascertain the person who has received the greatest number of votes given for said office in each subdistrict, and declare him elected trustee therefrom of said union school district for the term of three years from and after the second Monday of April then next ensuing, and immediately after such determination said secretary shall cause written notice thereof to be given to the persons so elected. When a vacancy in the office of trustee shall exist, it shall be filled by election at the same time and in the same manner as aforesaid for the residue of the vacant term: *Provided*, That the voter shall express on his ballot that the person voted for is to fill vacancy.

SEC. 3. The qualifications of voters at such elections, or at any school district meeting shall be such as are or may hereafter be prescribed by the general school laws. If any person offering to vote at an election or school district meeting shall be challenged as unqualified, by any legal voter, the presiding officer shall declare to the person challenged the qualifications of a voter, and if such person shall state that he is qualified, and the challenge shall not be withdrawn, the said president shall tender to him the oath in such cases prescribed in said general law, and every person taking such oath shall thereupon be permitted to vote. If any person so challenged shall refuse to take such oath, his vote shall be rejected; and any person who shall willfully take a false oath, or make a false affirmation under the provisions of this section, shall be deemed guilty of perjury.

SEC. 4. Within ten days after the first Monday in April in each year the board of trustees shall meet and elect from their own number a president, a secretary, and [a] treasurer, who shall severally hold their offices one year and until their successors are duly elected, and whose powers and duties shall be the same as those conferred upon and required of the

Notice to be given.

Election, when held.

Inspectors to canvass votes.

Provide.

Qualifications of voters.

Board to elect president, secretary and treasurer.

moderator, director and assessor of school districts in this State, except so far as the same are varied by this act, and who shall be *ex officio* school inspectors of said union school district, and shall make their reports directly to the State Superintendent of Public Instruction and shall perform all the duties now required or that may hereafter be required to be performed by superintendents of schools, in relation to the examination and qualifications of teachers in said district. Said board of trustees shall have power to fill any vacancy that may occur in their number from the occurrence thereof until the time of the next succeeding annual election.

Power of board.

SEC. 5. Said board so organized shall have power to determine the number of schools that shall be taught in said district, and to fix the time for the annual commencement of said school; to appoint a superintendent of schools for said district, and to define his powers and duties; to hire all necessary teachers; and to fix the amount of their compensation; to classify and grade the several schools, and determine the ages, qualifications and terms for admission thereto and the conditions for remaining therein; and to assign the scholars to the schools or departments they shall attend; to adopt courses of study and text books; to maintain a high school; to make such rules and by-laws as they may deem necessary for the preservation of the property of the district; for the government of the schools thereof, and in reference to all other matters connected therewith; to appoint standing and special committees from the membership of the board and define their powers and duties: *Provided, however,* That no committee, except the committee of the whole, shall ever comprise a majority of the board; to maintain a public library for the use of the district and to levy taxes for its support not to exceed two-tenths of a mill per dollar on the taxable property of the district, to levy and collect such sums as they may deem proper for the tuition of each and every scholar taught in said school who is not actually a resident of said district, and to locate the sites for any and all schoolhouses in said district, and to change the location thereof when they shall deem it necessary.

Board to estimate amount to be raised for expense of school district.

Proviso.

To certify to supervisors amount to be raised, how levied.

SEC. 6. The said board of trustees shall annually, on or before the first Monday of June in each year, estimate and determine the amount necessary to be raised in addition to the other school funds for the ordinary expenses of the schools in said union school district and for other ordinary and incidental expenses of said school district: *Provided,* That the amount so to be determined shall not in any one year exceed six-tenths of one per cent of the assessed valuation of the taxable property of said district as last equalized; and previous to the second Monday of June of each year the president and secretary of said board shall make and deliver to each of the supervisors of said city of Flint a certificate in writing signed by them of the amount so determined, and the same shall be levied upon the taxable property of the said union school district, collected and returned at the same time and in the same manner as the taxes for general city purposes. The president and secretary of said

board shall in like manner, before the second Monday of October in each year, make to each of said supervisors a certificate of the amount necessary to be raised to meet the next maturing installment of principal and interest on the bonded debt of said school district, and also of any sum or sums which may have been voted to be raised at any special meeting of said district for any of the purposes named in this act, and the same, as also the one mill tax, shall be levied upon the taxable property of the said union school district, collected and returned at the same time and in the same manner as the State and county taxes. All such school taxes shall be paid by the collector or collectors thereof directly to the treasurer of said district.

SEC. 7. Special meetings of said district may be called by the board of trustees at any time, and shall be called by the president thereof on a petition of fifty tax paying electors of the district, but no business shall be transacted at any special meeting other than that indicated in the notice calling such meeting. The qualified voters of said district, when so assembled in district meeting called for such purpose, may by a majority vote of all those present and voting, raise by tax upon the taxable property of the district, such sum or sums as shall be necessary to purchase lots, build schoolhouses and furnish the same, and may authorize the board of trustees to borrow money on the bonds of the district for such term of years and at such rate of interest not exceeding six per cent per annum, as the meeting may direct, for the purpose of purchasing sites for schoolhouses, building schoolhouses and making additions thereto, or for payment of the bonds of the district to become due.

Special meetings, when and how called.

For what purpose.

SEC. 3. The treasurer of said district shall give bonds in such sums as the board of trustees shall annually direct, and shall have power, in the name of the district, to collect all moneys due for tuition of scholars who are not actually residents thereof, and for any damage done to the property of the district, by suit at law, under the direction of the board of trustees.

Treasurer to give bonds.

SEC. 9. All sessions of the board shall be public, and the board of trustees shall require the secretary to keep a record of their proceedings and of the rules and by-laws it may from time to time enact. The board shall also annually appoint and contract with one of the papers of the city to publish its official proceedings as they occur; all its legal notices and the annual financial statement, and shall cause the rules it shall hereafter make or in any wise amend for the government of the schools to be published in said official paper at least one week before they shall take effect. Said board shall have power to make all needful rules and regulations relative to their proceedings and shall have power to make rules governing the conduct of pupils, during school hours, while on the school grounds or on the streets adjacent to school grounds.

All sessions shall be public.

Board to contract for publishing official proceedings.

School year,  
when to begin.

Superintendent  
to file annual  
report,

SEC. 10. The school and fiscal year shall begin on the first day of July in each year and end on the thirtieth day of June in each year. The superintendent shall file his annual report of the progress and condition of the schools within ten days before the close of the school year, and the school board shall within twenty days after the close of each fiscal year publish a detailed statement of all receipts and expenditures on behalf of said district for the preceding fiscal year, and of all funds then on hand and of the indebtedness of the district, if any, together with the estimates that have been made of the sums necessary to be raised by the district for purposes not otherwise provided for, and for the expenses of the current school year.

Trustees to take  
oath,

SEC. 11. Any person elected or appointed to the office of trustee shall within one week after receiving legal notice thereof, take and subscribe the constitutional oath of office before some person authorized to administer oaths, and deliver the same to the said secretary, who shall file it in his office. In case any person elected trustee shall fail to take, subscribe and deliver his oath of office as aforesaid, the office shall become vacant.

Failure to  
comply,

Conflicting act  
repealed,

SEC. 12. All acts or parts of acts heretofore enacted relative to union school district of the city of Flint, in so far as they are inconsistent herewith, are hereby repealed.

When to take  
effect,

SEC. 13. This act shall take effect from and after the first Monday in April in the year one thousand eight hundred and ninety-five.

This act is ordered to take immediate effect.

Approved April 9, 1895.

[ No. 369. ]

AN ACT to detach certain territory from the township of Burt in the county of Cheboygan and attach the same to the townships of Tuscarora and Waverly in said county.

Territory de-  
tached from the  
township of Burt  
and attached to  
the township of  
Tuscarora,

SECTION 1. *The People of the State of Michigan enact,* That surveyed township number thirty-five north, range two west; the west half of surveyed township number thirty-five north, range one west, consisting of sections four, five, six, seven, eight, nine, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two and thirty-three of said township; and all of sections twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, thirty-three, thirty-four, thirty-five and thirty-six of township number thirty-six north, range two west, and forming a part of the township of Burt in said county of Cheboygan, be and the same are hereby detached from the said township of Burt and attached to and made a part of the township of Tuscarora in said county.

SEC. 2. That the east half of surveyed township number thirty-five north, range one west, consisting of sections one, two, three, ten, eleven, twelve, thirteen, fourteen, fifteen, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty-four, thirty-five and thirty-six of said township, and forming a part of the township of Burt in said county of Cheboygan, be and the same are hereby detached from said township of Burt and attached to and made a part of the township of Waverly in said county.

Territory detached from the township of Burt and attached to the township of Waverly.

This act is ordered to take immediate effect.

Approved April 13, 1895.

[ No. 370. ]

AN ACT to provide for the holding of a special election for village officers in the village of Brighton, State of Michigan, on the twenty-sixth day of April, A. D. eighteen hundred ninety-five.

SECTION 1. *The People of the State of Michigan enact,* That whereas no annual village election for village officers was held during the month of March, A. D. eighteen hundred ninety-five, in the village of Brighton, State of Michigan, as required by law, and whereas the village officers of said village of Brighton are now holding over after their terms of office have expired and until their successors have been elected and are qualified, that an election for the purpose of electing village officers of said village be held on Friday the twenty-sixth day of April, A. D. eighteen hundred ninety-five, in said village, due notice of which election shall be given by the council of said village as is required for the holding of annual village elections by act number three of the public acts of the State of Michigan of the year A. D. eighteen hundred ninety-five, being an act "To provide for incorporation of villages within the State of Michigan and defining their powers and duties," and the manner of holding and conducting said election, the registration of electors therein and the canvassing and returning of the votes and the declaring of the result thereof, shall in all respects be governed by said act number three of the public acts of the State of Michigan of the year A. D. eighteen hundred ninety-five. All officers elected at said special election herein provided for shall take and file their oaths of office and enter upon the discharge of the duties thereof on Saturday the twenty-seventh day of April, A. D. eighteen hundred ninety-five, and their terms of office shall expire at the same time as if they had been elected on the second Monday of March, A. D. eighteen hundred ninety-five, as provided by law.

Special election for village officers.

Time for holding.

Notice of.

Manner of conducting, etc.

Oath of office.

Term of office.

SEC. 2. All appointments to office that should have been made in said village on the second Monday in April, A. D. eighteen hundred ninety-five, if an annual election had been

Appointive officers.

Term of office.

held in said village, shall be made on the second Monday in May, A. D. eighteen hundred ninety-five, and such appointive officers shall hold their offices until the second Monday in April, A. D. eighteen hundred ninety-six.

This act is ordered to take immediate effect.

Approved April 13, 1895.

[ No. 371. ]

AN ACT to legalize the action of the city of Menominee in the issue of certain bonds of said city and to declare said bonds valid and legal.

Resolutions adopted.

WHEREAS, The city council of the city of Menominee, Michigan, in pursuance of authority conferred upon it by chapter twenty-six of act number two hundred twenty-eight of the session laws of one thousand eight hundred and eighty-three, entitled "An act to incorporate the city of Menominee," and acts amendatory thereof, did, at an adjourned regular meeting of said council held January tenth, eighteen hundred ninety-five, adopt the following resolution:

Deficiencies.

"WHEREAS, It appears that there are large deficiencies in the several general funds for the current fiscal year, amounting together with the three thousand dollars hereinafter appropriated for building a bridge, in the aggregate to fifty thousand five hundred dollars; and

Greater amount required than can be raised by council.

WHEREAS, A greater amount of money is required in the current fiscal year for the purpose of building a bridge at the paper mill in said city of Menominee across the Menominee river to Marinette, Wisconsin, in the location of the present foot bridge, and for purposes to be paid for from the general funds of the city, than can be or could have been raised by the council of said city, under the provisions of sections one to eighteen, inclusive, of chapter twenty-six of the charter of said city; now therefore be it

Amount to be raised by loan, bonds to issue.

*Resolved*, By the council of the city of Menominee, that fifty thousand five hundred dollars, the aggregate amount of the cost of building said bridge, and of said several deficiencies to be raised by loan, and that bonds for said amount be issued to raise money to be expended for the purpose of building said bridge, and for the purpose of meeting the said deficiencies in the several general funds of the city, bearing interest at a rate not exceeding five per cent per annum, payable semi-annually, at such place or places as the council may direct, said bonds to be issued in such denominations and payable at such time or times not exceeding twenty years from the date of said bonds, and at such place or places as the council may determine; be it

Amount to be paid into the bridge fund.

*Further resolved*, That of the money proceeds from the sale of said bonds, three thousand dollars be paid into the bridge fund, thence to be paid out and expended for the purpose of



building the aforesaid bridge, and that forty-seven thousand five hundred dollars, the remainder of the proceeds of said bonds, be divided and paid into the several general funds of the city, respectively, according to the deficiencies in said several general funds, to be thence paid out and expended for the purpose of meeting the deficiencies in the several general funds of said city for the current fiscal year.

Amount to be paid into the general funds.

The three thousand dollars of bonds issued for the purpose of obtaining money to build said bridge shall be denominated "bridge bonds," and the remainder, forty-seven thousand five hundred dollars, issued to meet the deficiencies in the several general funds for the current fiscal year shall be denominated "refunding bonds."

To be denominated "bridge bonds." Refunding bonds.

The question whether or not said bonds shall be issued, shall be divided and severally submitted to a vote of the electors, being freeholders in said city of Menominee, at a special election to be held on the twenty-ninth day of January, A. D. eighteen hundred ninety-five, and a special election is hereby called to be held in said city on the day last aforesaid for the purpose of taking such vote.

Question of bond issue to be submitted to electors.

Such election shall be held in the several wards of said city at the following named places in said wards:

Election, where held.

First ward, old council room;

Second ward, council room seven hundred four Main street;

Third ward, W. D. Hutchinson's store, number eleven hundred nine Main street;

Fourth ward, number three engine house;

Fifth ward, John M. Davis' store, thirteen hundred Ogden avenue;

Sixth ward, number two engine house;

Seventh ward, J. A. Crozer's store, corner of Main street and Michigan avenue.

The manner of stating such questions severally upon the ballots shall be as follows:

Form of ballots.

"Shall the city of Menominee, Michigan, be authorized to borrow on the faith and credit of said city three thousand dollars, to be expended for the purpose of building a bridge at the paper mill in said city, across the Menominee river to Marinette, Wisconsin, in the location of the present foot bridge?" And immediately below on different lines shall be printed the word "Yes" and the word "No."

"Shall the city of Menominee, Michigan, be authorized to borrow on the faith and credit of said city forty-seven thousand five hundred dollars for the purpose of providing for the deficiencies in the several general funds for the current fiscal year?" And immediately below on different lines shall be printed the word "Yes" and the word "No."

Notice of the submission of this question to a vote of the electors, being freeholders in said city, shall be given by the city clerk at least two weeks before such election, by posting notices thereof and of this resolution in five of the most public places in each ward of said city of Menominee, and by causing a copy of said notice and this resolution to be published in the

Notice to be given by city clerk, how given.

Menominee Herald, a newspaper printed, published and circulating in said city, at least two weeks before such election."

To legalized  
bonds issued.

AND WHEREAS, Doubt exists as to the validity of the bonds provided in said resolution to be issued, negotiated and sold.

SECTION 1. *The People of the State of Michigan enact*, That the whole issue of said bonds in the amount of forty-seven thousand five hundred dollars is declared to be valid, and that the action of the electors in voting said bonds and of the city council in providing for the issue and negotiation thereof, be and the same are hereby legalized and made valid and binding upon said city.

This act is ordered to take immediate effect.

Approved April 16, 1895.

[ No. 372. ]

AN ACT to amend act number three hundred and seven of the local acts of eighteen hundred and eighty-five, entitled "An act to revise and amend the charter of West Bay City and to repeal all acts and parts of acts in conflict therewith," approved April first, eighteen hundred and eighty-five, as amended and revised by the several acts amendatory and revisionary thereof, by amending all the sections of title two, sections eight and nine of title three, sections twenty-three and twenty-four of title four, section forty-three of title five, and to add one new section to title fourteen to stand and be designated as section fifteen, and to amend section twelve of title seventeen.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact*, That all the sections of title two, sections eight and nine of title three, sections twenty-three and twenty-four of title four, section forty-three of title five, and title fourteen by adding one new section thereto to stand and be designated as section fifteen, and to amend section twelve of title seventeen, of "An act to revise and amend the charter of West Bay City and to repeal all acts and parts of acts in conflict therewith, approved April first, eighteen hundred and eighty-five, as amended and revised by the several acts amendatory and revisionary thereof," be and the same are hereby amended so as to read as follows:

## TITLE II.

Electors.

To vote where.

Residence.

SECTION 1. The inhabitants of said city having the qualifications of electors under the constitution of the State and no others, shall be electors therein, and every elector shall vote in the ward or election district where he shall have resided during the twenty days next preceding the day of election. The residence of any elector, not being a householder, shall be

deemed to be in the ward or election district in which is located his regular place of lodging.

SEC. 2. Any person who may be required to take an oath or affirmation under or by virtue of any provision of this act, who shall under such oath or affirmation in any statement or affidavit, or otherwise willfully swear falsely, as to any material fact or matter, shall be guilty of perjury, and may be punished therefor as provided by the State law for like offense. Perjury.

SEC. 3. At the first annual election to be held under this act, and at each annual election to be thereafter held, there shall be elected by the qualified electors voting in their respective wards and election districts four qualified electors who shall be the board of registration and inspectors of all elections to be held in their respective wards and election districts for the next succeeding year and they shall hold no other elective office during the year for which they are so elected. Three candidates for this office shall be nominated by each party and of the persons thus nominated the four receiving the highest number of votes shall be declared elected; and if there be a vacancy on the board it shall be filled by the other members of the board on the nomination of the ward committee of the same party as the person whose absence or disability causes the vacancy: *Provided*, That by reason of the formation of more than one election district in a ward there shall not be any or a sufficient number of the board residing within each election district so formed to constitute a board of registration and inspectors of election the common council shall supply the deficiency or appoint a full board, as the case may be, for such election district: *Provided*, That no board shall be composed of more than three belonging to the same political party. Board of registration to be elected.

SEC. 4. A reregistration of the electors of each ward and election district shall be made at the session of the registration boards next preceding the general election in the year eighteen hundred and ninety-six, and every fourth year thereafter. When such new registration shall be made, the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such reregistration unless his name shall be registered in such new register. Notice that such new reregistration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made. Vacancies, how filled.

SEC. 5. On the Saturday next preceding the day for holding any general or charter election in said city the boards of registration of the several wards and election districts of said city shall be in session at such places in their respective wards and election districts in said city as the common council shall designate, for the purpose of revising and completing the list of qualified voters entitled to a vote at the election then next ensuing, during which session it shall be the right of each and every qualified voter then actually residing in said city, and whose name is not already registered in the ward and election district in which he resides, to have his name entered in the register of said ward and election district, on appearing before Provided.

Reregistration.

Board of registration to meet when.

Notice of  
meeting.

the board and making application therefor. Notices of such meetings for revising and completing the registers shall be given in the same manner, and the same rules shall be observed in such sessions, as are provided therefor by the laws of this state for an annual registration in cities except as in this act otherwise provided.

### TITLE III.

Elective city  
officers.

SEC. 8. The elective officers of said city shall be one mayor, one treasurer who shall be city collector and a member of the board of supervisors of the county of Bay, one recorder who shall be city clerk and a member of the board of supervisors of the county of Bay, one comptroller who shall be city assessor and a member of the board of supervisors of the county of Bay, and four justices of the peace, all of whom shall be elected by the qualified electors of the whole city, at the annual city election immediately preceding the time when the term of their offices respectively expires. There shall also be elected at each annual election, by the qualified electors of each ward, one alderman, who shall hold his office for two years, one supervisor, who shall be a member of the board of supervisors of the county of Bay, one constable, and four inspectors of election, who shall hold their respective offices for one year, and until their successors are elected and qualified: *Provided*, The inspectors of election shall be elected in the manner provided in section four, title two of this act.

Ward officers.

Proviso.

Supervisors,  
power and  
duty of.

Mayor and re-  
corder, when  
elected and  
term of office.

Comptroller and  
treasurer, when  
elected and  
term of office.

Proviso.

SEC. 9. Each of said supervisors shall be the supervisor of the ward for which he is elected, with all the power of supervisors of townships in this State, and subject, in all respects, to the provisions of law regulating the duties of township supervisors, except as herein otherwise provided. At the first annual charter election after the passage of this act, there shall be elected on the city ticket, by the qualified electors of said city, one mayor and one recorder, each of whom shall hold his office for two years; and at every second annual charter election thereafter, unless a vacancy should sooner occur, there shall be elected a mayor and recorder, who shall each hold his office for two years. At the annual charter election in eighteen hundred and ninety-seven there shall be elected on the general city ticket, one comptroller and one treasurer, each of whom shall hold his office for two years; and at every second annual charter election thereafter, unless a vacancy should sooner occur, there shall be elected a comptroller and a treasurer, who shall each hold his office for the term of two years; each of said officers shall hold his office until his successor is elected and qualified: *Provided, however*, That all persons now holding offices in said city shall continue to hold their several offices for the remainder of their unexpired terms.

## TITLE IV.

SEC. 23. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty not exceeding one hundred dollars and costs, unless the imposition of a greater penalty be herein otherwise provided, for a violation thereof, and may provide that the offender on failing to pay the penalty and costs imposed shall be imprisoned in the city penitentiary or county jail for a term not to exceed ninety days; and during the term of such imprisonment male persons so imprisoned may be kept at hard labor on the public grounds, streets, roads, sewers, drains, bridges or other property of the city, under such regulations as the common council may by ordinance prescribe; or such penalties may be sued for and recovered with costs in the name of the city of West Bay City.

SEC. 24. No ordinance of the common council imposing a penalty shall take effect until after the expiration of at least three days after the last publication thereof in some newspaper published in Bay county, and the same shall be published three times in such newspaper.

## TITLE V.

SEC. 43. Compensation for the services of the city officers shall be paid out of the city treasury in such sums as the common council shall allow: *Provided*, That the comptroller shall receive not to exceed twelve hundred dollars per annum, beside his pay as a member of the board of supervisors; the recorder not to exceed twelve hundred dollars per annum; the treasurer not to exceed twelve hundred dollars per annum; the city attorney not to exceed ten hundred dollars per annum; the harbormaster not to exceed one hundred dollars per annum; the street commissioner not to exceed three dollars per day for each day actually employed under the direction of the common council or the board of public works; the mayor and aldermen not to exceed one dollar for each meeting of the council which they may attend, but they shall receive no pay for committee work, nor any other compensation or allowance whatever. The justices of the peace and constables shall be allowed the same fees as are allowed by law to corresponding township officers, unless in this act otherwise provided. The other officers appointed by the common council may receive such compensation as the common council may direct.

## TITLE XIV.

SEC. 15. The common council may issue negotiable bonds of the city up to and not to exceed the sum of one hundred

Purpose of.

Bonds to be in the sum of \$1,000 each.

thousand dollars in addition to those already issued, in manner and form as the council may direct, payable in not more than thirty years from the date thereof, for the purpose of refunding twenty-nine thousand dollars of bonds maturing July first, eighteen hundred and ninety-five, and to refund other bonds and obligations of said city now outstanding, as the same may mature from time to time. Said bonds shall be in the sum of one thousand dollars each, and shall bear interest at a rate not to exceed five per cent per annum, and shall not be sold at less than par. Said bonds shall be signed by the mayor and recorder and countersigned by the comptroller.

## TITLE XVII.

What necessary to set forth in proceedings or prosecution for violation of ordinances.

All suits to be brought in the name of the city of West Bay City.

SEC. 12. It shall not be necessary in any suit, proceeding or prosecution, for the violation of any ordinance of the city, to state or set forth any such ordinance or any provisions thereof in any complaint, warrant, process or pleading therein, but the same shall be deemed sufficiently set forth or stated, by reciting its title and the date of its passage or approval. It shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence, and provisions of the ordinances of the city, and the resolutions of the council and of the authority of the city to enact the same. All the suits which may be brought to recover any penalty or forfeiture for the violation of any ordinance of the common council, shall be brought in the name of the city of West Bay City, under the direction of the common council, or of the attorney of said city; and no person being an inhabitant, freeman, or freeholder of the said city, shall be disqualified for that cause from acting as a judge, justice or juror in the trial or other proceeding, in any suit brought to recover a forfeiture or penalty for the violation of this provision of this act, or for the violation of any ordinance of the common council, nor for serving any process or summoning a jury in suit, or from acting in any such capacity, or being a witness on the trial of any issue, or upon taking or making any inquisition or assessment, or any judicial investigation of the facts, to which issue, inquest, or investigation the said city or ward officer is a party, or in which said city or officer is interested; nor shall any judge of any court be disqualified to hear and adjudicate on an appeal in any matter originating in said city because he is an inhabitant thereof.

This act is ordered to take immediate effect.

Approved April 16, 1895.

## [ No. 373. ]

AN ACT to legalize certain orders issued by the board of supervisors for the county of Muskegon and to authorize said board to issue its orders for a further amount to pay an indebtedness already incurred.

WHEREAS, The board of supervisors of the county of Muskegon did during the year eighteen hundred and ninety-three issue orders to the amount of forty thousand dollars to pay an indebtedness of the county for that amount; and

Finance committee of board of supervisors to refund amount of certain orders.

WHEREAS, Said orders fell due on March twenty-sixth, eighteen hundred and ninety-five, and said board has ordered the finance committee of said board to refund the amount of said orders and to borrow the further sum of twenty-five thousand dollars with which to pay the indebtedness of the county of Muskegon to the State of Michigan, and to issue its orders therefor, therefore:

To borrow twenty-five thousand dollars to pay indebtedness.

SECTION 1. *The People of the State of Michigan enact,* That the orders of the county of Muskegon issued by the board of supervisors of said county for the sum of forty thousand dollars be and the same are hereby legalized.

Orders issued by board legalized.

SEC. 2. The board of supervisors for said county are authorized to issue its orders for the refunding of said indebtedness to the amount of forty thousand dollars and to issue its orders for the further sum of twenty-five thousand dollars to pay other indebtedness of said county already incurred.

Board to issue orders, amount of.

This act is ordered to take immediate effect.

Approved April 16, 1895.

## [ No. 374. ]

AN ACT to amend section one, and to add two new sections to stand as sections two and three of chapter twenty-eight of act forty-eight of the local acts of eighteen hundred eighty-two, entitled "An act to reincorporate the city of Manistee."

SECTION 1. *The People of the State of Michigan enact,* That section one of chapter twenty-eight of act number forty-eight of the local acts of eighteen hundred eighty-two, entitled "An act to reincorporate the city of Manistee," be amended so as to read as follows:

Section amended.

SECTION 1. The city shall be a district under the name of the school district of the city of Manistee, which district shall be a body corporate for school purposes, and as to all matters pertaining to public schools, it shall be subject to and governed by the laws of the State of Michigan relative to the system of graded schools: *Provided,* That if a number of persons, qualified by the general laws of the State to vote at any election of school officers, equal to five per centum of the

School district of the city of Manistee.

Body corporate.

Be subject to and governed by general law. *Provided.*

Election districts.	<p>whole number of votes cast at the next preceding election of school officers, shall for that purpose petition the board of trustees of said school district not less than ten days next preceding any election of school trustees, said school district shall, for the purpose of said election, be divided into three election districts, as follows, viz.: That territory contained in and known as the first and fifth wards shall be designated as school election district number one; that territory contained in and known as the second and third wards shall be designated as school election district number two; and that territory contained in and known as the fourth, sixth and seventh wards shall be designated as school election district number three. The place of holding the election in each of the school election districts shall be designated by the school board, and such selection shall be included in the notices of such school elections. The election shall be conducted at each voting place by a board of inspectors consisting of three electors, to be appointed by the district board, one of whom shall be a member of the board of school trustees, and two of whom shall be residents of said election districts: <i>Provided</i>, That on failure of said board to so appoint, said inspectors shall be chosen by the electors present at the opening of the polls.</p>
No. 1.	
No. 2.	
No. 3.	
Place and manner of holding elections.	
Previous.	
Ballot.	<p>SEC. 2. That two new sections be added to chapter twenty-eight to stand as sections two and three, and to read as follows:</p> <p>SEC. 2. The ballot shall be a white paper ticket of uniform size, without any distinguishing marks, with the names of the persons for whom the elector intends to vote, written or printed thereon; and shall designate the office to which each person so named is intended by him to be elected; and each ballot shall be so folded as to conceal the contents, and shall be delivered to one of the inspectors, who shall thereupon deposit all such ballots in a suitable box to be provided and kept for that purpose.</p>
Notice of school meetings.	<p>SEC. 3. The notices of all school meetings shall state the time of the day when the polls shall open and close, and immediately after the polls shall have closed, each board of school election inspectors shall proceed to canvass and announce the vote in their school election district, which announcement shall be in writing and filed with the director of the school board within twenty-four hours. Within three days thereafter, the school district board shall ascertain the result of the election, and the trustee or trustees receiving the highest number of votes shall then and there be declared to be elected.</p>
Canvass of votes.	
Trustees receiving the highest number of votes shall be declared to be elected.	<p>This act is ordered to take immediate effect.</p> <p>Approved April 16, 1895.</p>



## [ No. 375. ]

AN ACT to authorize the board of education of the union school district of Bay City to issue orders, payable at a future date, with interest, for the purpose of paying a portion of the cost of erecting and furnishing a school building in the eleventh ward of said city.

SECTION 1. *The People of the State of Michigan enact,* For the purpose of raising a portion of the money necessary for the erection and furnishing of a school building in the eleventh ward of Bay City, the board of education of the union school district of Bay City is hereby authorized to issue orders, payable at a future date, not more than three years from the date of issue, and drawing interest at a rate not exceeding six per cent per annum, payable semiannually, in an amount aggregating not more than twenty thousand dollars (\$20,000). Such orders shall be issued in sums of five hundred dollars (\$500) each, and shall be signed by the clerk and president of said board of education, and countersigned by the treasurer thereof.

Erection and furnishing of school building in 11th ward, Bay City.

Board of education authorized to issue orders.

Orders to draw interest.

Maximum aggregate of orders.

Orders to be in sums of \$500 each. Signed by officers of board.

This act is ordered to take immediate effect.

Approved April 16, 1895.

## [ No. 376. ]

AN ACT to authorize the common council of the city of Ann Arbor, Washtenaw county, by ordinance, to enter into a contract not exceeding five years with any electric or gas light company to furnish electric or gas lights for its streets, public buildings and public places.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Ann Arbor, in the county of Washtenaw, shall have power by ordinance, to enter into a contract not exceeding five years with any electric or gas light company to furnish electric or gaslights for its streets, public buildings and public places.

Common council of Ann Arbor authorized to contract for lights for streets.

This act is ordered to take immediate effect.

Approved April 17, 1895.

[ No. 377. ]

AN ACT providing for the appointment, fixing compensation and defining the duties of stenographer for the probate court for the county of Oakland and for taking and transcribing of testimony in cases on examination of offenders before justices of the peace for the county of Oakland, charged with an offense not triable before a justice of the peace.

Judge of probate for Oakland county to appoint a stenographer.

SECTION 1. *The People of the State of Michigan enact,* That the judge of probate for the county of Oakland shall, upon the recommendation of the prosecuting attorney of said county, appoint a stenographer for the probate court and justice courts for said county of Oakland.

Stenographer deemed officer of courts, and term of office.

SEC. 2. The person so appointed shall be deemed an officer of the courts and shall hold such office as stenographer for the period of four years, but shall be subject to suspension or removal by the said judge of probate and prosecuting attorney for incompetency or misconduct, and in such case he shall thereafter cease to hold the office as such stenographer, unless by order of the court, the prosecuting attorney consenting, his suspension shall be rescinded.

Subject to suspension or removal.

Suspension may be rescinded.

To attend upon probate court when directed.

SEC. 3. It shall be the duty of the stenographer so appointed to attend upon the probate court in all cases when so directed by the judge thereof, or at the request of either of the parties to a cause in said court, and take full stenographic notes of all the testimony and proceedings in such case or cases.

Shall attend justice's court when requested by prosecuting attorney.

SEC. 4. Whenever any person charged with an offense is held for examination before any justice of the peace in and for said county of Oakland, it shall be the duty of the said stenographer, if so requested by the prosecuting attorney of said county, to attend upon such examination and take full stenographic notes of the testimony and proceedings thereat.

Shall transcribe notes and make copies thereof.

SEC. 5. The stenographer shall, within such reasonable time as the justice or prosecuting attorney shall direct, transcribe his notes so taken on any such examination, making two copies thereof. One copy shall be delivered to the prosecuting attorney and one copy shall be returned to the justice before whom such examination shall have been held, which transcript shall be filed by said justice as a part of his official returns on said examination: *Provided,* That the stenographer shall certify that the testimony so taken is a correct and complete transcript of all the testimony and proceedings on such examination. And it shall not be necessary that the testimony so taken be read over to the witness or witnesses, or that they shall sign the same.

Transcript to be filed by justice. *Provided.*

Testimony so taken need not be read to witness.

Stenographer may appoint assistant in certain cases.

SEC. 6. If the stenographer so appointed under this act shall be occupied in either of said courts, and his services shall at the same time be required in attendance upon the other of said courts, then and in such case the stenographer so appointed under this act shall provide a competent assistant,

whose compensation shall not exceed the amount herein provided for the official stenographer of said courts.

SEC. 7. The stenographer shall receive as compensation for his services rendered in said probate court, the sum of eight dollars for each day and four dollars for each half day, which shall in all contested cases be paid by the parties to the cause in equal proportions, regardless of the disposition of any other costs in the case; security for which payment shall be given if demanded by such stenographer: *Provided*, That any compensation due the stenographer for taking the testimony of the subscribing witness to a will, shall become a part of the taxable costs against the estate sought to be disposed of by said will. Payment of all sums due the stenographer for services rendered under the provisions of this act shall be made within thirty days of the time such services are completed.

Compensation of stenographer.

By whom paid.

Security may be demanded. Compensation to become a part of taxable costs.

Payment shall be made within thirty days.

SEC. 8. In case either party to a cause in the probate court shall desire a transcript of the stenographer's minutes, or of any portion thereof, so taken in any cause in said probate court, it shall be the duty of the stenographer to furnish the same to the persons so ordering it, for which he shall be entitled to demand and receive therefor from the parties so ordering such transcript the sum of eight cents per folio so transcribed: *Provided*, That in case the judge of probate shall require a copy of the stenographer's minutes, or of any portion thereof, for his own personal use, the stenographer shall furnish three copies of the same, one copy being for the judge of said court and a copy to each of the parties in said cause, for which the stenographer shall be entitled to demand and receive therefor the sum of eight cents per folio for each folio so transcribed, but only for one copy, which amount for such transcript shall be paid by each of the parties to the cause paying an equal portion of said amount.

Duty of stenographer to furnish transcript.

Fees for same.

Provide.

SEC. 9. Whenever a stenographer shall be employed by order of this act in any justice court he shall be entitled to demand and receive the sum of eight cents per folio for each folio of the testimony taken and transcribed, but for one copy only, which amount shall be paid out of the county treasury by the county treasurer upon presentation of a bill for the same, providing that the prosecuting attorney shall certify thereon that the account is correct.

Fees for taking testimony in justice's court.

Paid by county treasurer when certified by prosecuting attorney.

SEC. 10. It shall be the duty of the board of supervisors for the county of Oakland to audit and allow such bill or bills as shall have been certified to by the prosecuting attorney for such county, which may have been paid by the county treasurer out of the county treasury of the county of Oakland. Before entering upon the duties of said office the stenographer so appointed under this act shall take and subscribe the constitutional oath of office which shall be administered by the judge of said probate court.

Board of supervisors to audit and allow such bills.

Stenographer to take constitutional oath.

This act is ordered to take immediate effect.

Approved April 17, 1895.

## [ No. 378. ]

AN ACT for the protection of fish in the waters of Otsego lake, in Otsego county, for a period of ten years, and to regulate the time and manner of taking and catching fish therefrom.

Unlawful to catch fish in Otsego lake.

Proviso as to hook and line.

Penalty for violation of act.

What may be considered violation.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful to take, catch or kill any fish by any means whatsoever from the waters known as Otsego lake in Otsego county, for a period of ten years from the passage of this act: *Provided, however*, It shall not be unlawful to take and catch fish from the waters of said lake from the first day of May until the first day of November in each year, by means of a hook and line held in the hand of the person fishing.

SEC. 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed twenty-five dollars, and costs of prosecution, or by imprisonment in the county jail, not to exceed thirty days, or both such fine and imprisonment in the discretion of the court.

SEC. 3 In all prosecutions under this act it shall be *prima facie* evidence on the part of the people, of the violation of the provisions of this act to show that the defendant was found upon the waters of said lake, with any other device or devices than herein mentioned for the catching and taking fish from said waters.

This act is ordered to take immediate effect.

Approved April 17, 1895.

## [ No. 379. ]

AN ACT to reincorporate the city of Charlotte, and to repeal act two hundred and fifty of the session laws of Michigan for the year eighteen hundred seventy-one, entitled "An act to incorporate the city of Charlotte," approved March twenty-ninth, eighteen hundred seventy-one, and all amendments thereof.

## BOUNDARIES.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact*, That so much of the townships of Carmel and Eaton, in the county of Eaton and State of Michigan as is included in the following description of land, to wit: The east half of section twelve, and the east one-fourth of the southwest one-fourth of said section twelve, the entire section thirteen, and also section twenty-four, except the southwest one-fourth thereof, all of town two north of range five west; and section seven, except the southeast one-fourth of the southeast one-fourth thereof,

the west three-fourths of section eighteen, and the west one-half of section nineteen, all of town two north of range four west, be and the same is hereby set off from said townships and hereby reorganized and reincorporated into a city, by the name of the city of Charlotte.

SEC. 2. The inhabitants of said city shall be a body corporate, and shall be known in law by the name of the city of Charlotte, and shall be capable of suing and being sued, of pleading, and of being impleaded, of answering unto, and of defending and being defended in all courts of law and equity, and in all places whatever; and may have and use a common seal, and alter it at pleasure; and by its corporate name, shall be capable of purchasing, conveying, holding, acquiring, and disposing of real and personal estate for the use of said corporation.

Corporate rights.

SEC. 3. The present officers of the city of Charlotte which is hereby reincorporated, shall continue in office for the time they were originally elected or appointed and until their successors are elected or appointed, and qualified, in accordance with the provisions of this act, and shall be the officers of this city and have the same powers and duties that are conferred upon like officers by this act, and be subject to all the provisions thereof, in like manner as if elected or appointed under this act.

Present officers to continue in office.

SEC. 4. All the by-laws and ordinances of the said city of Charlotte, that are not in conflict with the provisions of this act, shall be and remain of full force and effect, as they now appear, until the same shall be altered or repealed by the common council, established by this act.

All by-laws and ordinances not in conflict with this act to remain in force.

SEC. 5. All rights and property, of any kind and description, which were vested in the city of Charlotte under its former organization, shall, upon its reincorporation under and subject to this act, be deemed and held to be vested in the new corporation, created by this act; and no rights or liabilities, either in favor of or against such former corporation, existing at the time of its reincorporation, under or subject to the provisions of this act, and no suit or prosecution of any kind shall be in any manner affected by such change, but the same shall stand and progress as if no change had been made, and all debts and liabilities of the former corporation shall be deemed to be the debts and liabilities of this new corporation, and all taxes levied and uncollected at the time of such change shall be collected the same as if such change had not been made: *Provided*, That when a different remedy is given in this act, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

All rights to remain vested in the new corporation.

Proviso.

#### WARDS.

SEC. 6. The city shall be divided into four wards. The first ward shall include all that portion of the city lying on section seven, and that portion of section eighteen lying north of

First ward.

- Second ward. Lawrence avenue and the Battle Creek and Lansing State road, in town two north of range four west; the second ward shall include all that portion of the city lying on section twelve, and that portion of section thirteen lying north of Lawrence avenue and the highway extending westerly and northwesterly from said avenue, in town two north of range five west; the third ward shall include all that portion of the city on section thirteen lying south of Lawrence avenue and the highway extending westerly and northwesterly from said avenue, and that portion lying on section twenty-four, in town two north, of range five west; and the fourth ward shall include all that portion of the city lying on section eighteen except that portion lying north of Lawrence avenue and the Battle Creek and Lansing State road, and shall also include that portion lying on section nineteen, in town two north of range four west.
- Third ward.
- Fourth ward.

## ELECTORS AND REGISTRATION.

- Qualification of electors. SEC. 7. The inhabitants of the city of Charlotte having the qualifications of electors under the constitution of the State of Michigan, and no others, shall be electors therein.
- Where to vote. SEC. 8. Every elector shall vote in the ward where he shall have resided the twenty days next preceding the election. The residence of any elector, not an householder, shall be deemed to be in the ward where he rooms or lodges.

## REGISTRATION.

- Board of registration. SEC. 9. The aldermen of each ward shall constitute the board of registration therein, and if for any reason there be a vacancy in said board, or either of said members shall be absent or disqualified from sitting, on the days when such board is required to meet, the common council shall supply such vacancy or appoint a board of registration for such ward, *pro tem.*, and in case the common council fails to make such appointment or in case of sudden emergency the mayor may make such appointment.
- To make registration in books of form. SEC. 10. The board of registration, at their session previous to the annual election hereinafter provided for, in the year eighteen hundred and ninety-six, shall make a reregistration of the qualified voters of their respective wards, in books of form, provided by law, and a like reregistration of the qualified voters shall be made every eight years thereafter. When such new registry is made the former registry of electors shall not be used, nor shall any person vote at any election in such ward after the reregistration unless his name shall be registered in such new register. Notice that such reregistration is required shall be given with the notice of the meeting or session of the board at which it is to be made.
- When old registry not to be used.
- Notice to be given.
- Council to cause to be published time and place of meeting. SEC. 11. The common council shall, at least ten days previous to the time of the meeting of the respective boards of registration in the several wards, cause to be published in one or more newspapers printed and published in said city, a notice

of the time and place of the meeting; and shall also cause a notice of the time and place of the meeting of such board of registration, to be posted in five public places in each ward, at least ten days previous to such meeting.

SEC. 12. The several boards of registration shall meet in their respective wards on the Saturday next preceding any general, or other election held in said ward, and proceed to the registration of the qualified electors of said ward, and shall hold their sessions from eight o'clock in the morning until eight o'clock in the evening. It shall be the duty of such boards to complete the registers of their respective wards as perfectly as they can, and they shall write in such register the names of any residents of such wards known to them to be qualified electors therein, and the manner of conducting such registration therein, not herein especially provided for shall be conducted as provided in the general laws of the State for the registration of electors in townships, the word "ward" being construed as "township" wherever necessary.

Registration,  
time and place  
of holding.

#### OFFICERS.

SEC. 13. The officers of this city shall be one mayor, one

city clerk, who shall be *ex officio* school inspector, two supervisors who shall be *ex officio* assessors in their respective assessing districts, one treasurer who shall be *ex officio* collector, one city attorney, one marshal, one street commissioner, two school inspectors, four justices of the peace, two aldermen from each ward and one constable from each ward.

The mayor, clerk, supervisors and treasurer shall be elected for one year. The school inspectors shall be elected for two years, their terms expiring alternately. The justices of the peace shall be elected for four years, alternating so that only one term shall expire each year. One alderman shall be elected in each ward each year for the term of two years. One constable shall be elected annually in each ward. The aldermen and constables shall be elected by the electors of their respective wards, and each shall be a resident of the ward of which he is elected. The aldermen shall be members of the common council. The supervisors respectively shall be residents of, and elected by the electors of the respective assessing districts in which they are elected, and shall possess the same powers and perform the same duties in their respective assessing districts relative to the assessing of property and the extending and spreading of taxes as supervisors of townships by the general laws of this State, except as otherwise provided by this act, and they, together with the mayor, shall represent the city on the board of supervisors of the county of Eaton, each having the same powers and privileges, obligations and duties, thereon, as the supervisor of any township in the county. All officers provided for in this act shall hold their offices until their successors are duly elected or appointed, and have duly qualified, their terms all to begin on the first Monday after the election, except the justices, whose terms begin and end the

Term of office.

School inspectors,  
Justices of the  
peace.

Alderman.

Constable.

Supervisors.

Term of office,  
when to begin.

**Proviso.** same as justices of the peace in townships: *Provided*, That the supervisor holding that office under the former charter of said city, at the time this act shall take effect, shall continue in office as the supervisor of the assessment district in which he then resides, clothed with all the powers and under the same limitations conferred and limited by this act, in all respects as if he were elected as the supervisor of such assessing district under the provisions of this act; and the common council shall appoint a legally qualified person as a supervisor for the other assessment district of said city, who shall likewise serve as such supervisor in his respective assessment district with the same powers and limitations, in all respects as if elected under the provisions of this act.

**Appointive officers.** SEC. 14. The city marshal, street commissioner and city attorney, and the directors of the public library and reading room, shall be appointed by the mayor, by and with the approval of the common council. The mayor shall submit his appointments to those offices, to the common council on or before the third Monday of April of each year: *Provided*, That

**Proviso.** if he fail to submit such appointments within the time limited, the common council may proceed upon the first Monday of May, or as soon thereafter as may be, to make such appointment: *Provided also*, That if the mayor's appointment is rejected he may at the next meeting of the common council submit appointments in the place thereof.

**Shall hold but one office.** SEC. 15. No person shall be eligible to hold more than one office in this act heretofore mentioned, at the same time.

**Officers to be appointed by the mayor with approval of council.** SEC. 16 The mayor, by and with the approval of the common council, shall have power by resolution or ordinance to appoint the members of the water board, clerk of the water board, chief engineer for the fire department, health officer, poundmaster, one member of the board of review from each assessment district, and such other officers whose election is not herein specially provided for, as it may deem necessary to carry into effect the powers granted by this act, and the common council may at any time remove any appointed officer of the city at its pleasure, with or without cause: *Provided*, It shall take a two-thirds vote, of the members elect, to remove an officer.

**Vacancies, how filled.** SEC. 17. Whenever any vacancies occur in any office in the city, from any cause whatever, the mayor and common council shall have power to fill such vacancy by appointing any eligible elector of the city or precinct, who shall hold the office for the unexpired part of the term, in all respects as though he had begun the term in the regular way: *Provided*, That if the office be an elective one the common council may, in its discretion, order a special election to fill such vacancy.

**Proviso.** SEC. 18. No person shall be elected or appointed to any office unless he be an elector of the city, and if elected or appointed for a ward he must be an elector thereof.

**No person shall be elected or appointed unless an elector.** SEC. 19. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed, shall expire, he shall, on demand, deliver over to his

**Resignation or removal.**



successor in office all the books, papers, moneys, and effects of whatsoever nature, in his custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense, under the general laws of this State now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

## OATH AND BOND OF OFFICE.

SEC. 20. Justices of the peace elected in this city shall take and file an oath of office with the county clerk of said county of Eaton, within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers, elected or appointed in the city, shall within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of this State and file the same with the city clerk.

To take and file  
oath of office.

SEC. 21. Every justice of the peace, within the time limited for filing his official oath, shall file with the said county clerk, the securities for the performance of the duties of his office, required by law in the justices of the peace elected in townships; except that such official bond may be executed in the presence of, and be approved by the mayor; and in case he shall enter upon the execution of his office, before having filed his official oath and bond or security, and such other bond or security as may be required by law, or by ordinance or resolution of this city, he shall be liable to the same penalties as are provided in cases of like nature in cases of justices of the peace elected in townships, and every officer elected or appointed in the city, before entering upon the duties of his office, shall file with the city clerk such bond or security as may be required by law or by any ordinance or requirement of the common council, and with such securities as shall be approved by the common council, for the due performance of the duties of his office, except that the bond of the city clerk shall be deposited with the city treasurer, and the common council shall be the judge of the sufficiency of any and all official bonds required to be given by the officers of the city, except as otherwise herein provided.

Justices of the  
peace to file  
bond and securi-  
ties with county  
clerk.

Penalty for en-  
tering upon the  
execution of  
his office before  
filing bonds  
and securities.

Every officer as  
required by law  
or ordinance to  
file bonds.

SEC. 22. The sureties on all official bonds shall justify, in writing and on oath to be indorsed on said bond, as to their financial responsibility, and such oath may be administered by the mayor, or any alderman, or by any other person authorized to administer oaths.

Sureties to  
justify in writing  
and on oath.

SEC. 23. The common council may also at any time require of any officer, whether elected or appointed, to execute and file with the clerk of the city new official bonds in the same or such further sums, and with new or such further sureties as said common council may determine requisite for the good of

Council may re-  
quire new or  
additional  
bonds.

Failure to comply with such requirement subject to removal.

the corporation. Any failure to comply with any such requirement shall subject the officer to immediate removal by the common council.

#### VACANCIES IN OFFICE.

Resignations.

SEC. 24. Resignations of officers shall be made to the common council, subject to its approval and acceptance.

What shall vacate an office.

SEC. 25. If any officer shall cease to be a resident of the city, or if elected or appointed in and for a ward, shall remove therefrom, during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter the office shall thereby be vacated.

For failure to file bonds, council may declare the office vacant.

SEC. 26. If any person elected or appointed to an office shall fail to take and file the oath of office, or shall fail to give and file the bond or security required for the due performance of the duties of his office, within the time limited therefor, the council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security.

Resignation or removal not to release sureties from liabilities.

SEC. 27. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, relieve or exonerate such officer or his sureties from any liability incurred by him or them.

#### ELECTIONS.

Annual city election, time and place of holding.

SEC. 28. An annual city election shall be held on the first Monday in April of each year, at such place and in each of the several wards of the city as the common council shall designate, at which election the city and ward elective officers herein provided for shall be elected.

Special elections.

SEC. 29. Special elections may be appointed by resolution of the common council, and held in and for the city, or in any ward thereof, at such times and place or places as the council shall designate; the purpose and object of which shall be fully set forth in the resolution appointing such election.

Council to cause notice of special elections to be delivered to inspectors. What to specify.

SEC. 30. Whenever a special election is to be held the council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held, a notice signed by the city clerk, specifying the officer or officers to be chosen, and the question or proposition, if any, to be submitted to the vote of the electors, and the day and place at which such election is to be held, and the proceedings and manner of holding the election shall be the same as at the annual elections.

City clerk to give notice of time and place of elections and officers and questions to be voted on.

SEC. 31. Notices of the time and places of holding any election, and of the officers to be elected, and the questions to be voted upon, shall, except as herein otherwise provided, be given by the city clerk, at least eight days before such election, by posting such notices in three public places in each ward in which the election is to be held, and by publishing a copy of such notice in at least one newspaper published in the city, the same length of time before the election; and in case of a

How given.

special election the notice shall set forth the purpose and object of the election as fully as the same is required to be set forth in the resolution appointing such election.

SEC. 32. The common council shall provide and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

Council to provide ballot boxes.

SEC. 33. On the day of election, held by virtue of this act, the polls shall be opened in each ward at the respective places designated by the common council, at eight o'clock in the morning, and shall be kept open until five o'clock in the afternoon and not later, at which hour they shall be finally closed.

Polls, time of opening and closing.

SEC. 34. The two aldermen of each ward, except as in this act otherwise provided, shall constitute the board of inspectors of election for their respective wards, at all elections held therein, whether ward, city, county, district, or State; if at any election, either or both of such inspectors shall be absent at the hour for opening the polls, or shall not remain in attendance the electors present may choose, *viva voce*, such number of such electors, as with the inspector present, if any, shall constitute a board of two in number, and such electors so chosen shall be inspectors at that election. Such board of election inspectors may appoint such number of clerks, gate keepers and officers as shall be necessary to comply with the election laws of the State, and all the persons so appointed, and each inspector so appointed or chosen shall take the constitutional oath of office, which oath either of the inspectors may administer, or any person authorized by law to administer oaths. The senior alderman of each ward shall be the chairman of the board of inspectors of election therein.

Board of inspectors, who to constitute.

Board to appoint clerks, gate keepers and officers.

Chairman.

SEC. 35. All elections held under the provisions of this act shall be conducted, as near as may be, in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such elections shall have the same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this State.

Elections under this act, how conducted, power and authority of inspectors.

SEC. 36. The manner of conducting elections, and canvassing votes shall be the same as in townships, the word "ward" instead of "township" being used in the oath to be administered to an elector in case his vote is challenged, and in the making of all certificates or statements of and concerning such elections: *Provided*, That at such charter elections said ward inspectors shall make a statement in writing, setting forth in words at full length the whole number of votes given for each office, the names of the persons for whom the votes for each office were given, and the number of votes so given for each person, and the whole number of votes given upon each question voted upon, and the number of votes given for and against the same, which statement shall be certified under the hands

Manner of conducting elections and canvassing votes.

Proviso.

of the inspectors to be correct; and they shall deposit such statement and certificate on the day of election or before noon of the next day thereafter, together with the poll lists, the tally sheets, the register of electors and the boxes containing said ballots, in the office of the city clerk.

Compensation of  
board of registra-  
tion, clerks,  
and other offi-  
cers.

SEC. 37. The members of the boards of registration, and the inspectors of the election shall receive as compensation for their services, upon these respective boards, the sum of two dollars and fifty cents for each day's service thereon, and the clerks of the election and other officers, appointed for conducting said elections, shall receive as compensation for their services, the sum of two dollars per day for each day engaged therein, to be allowed by the common council, and paid from the city treasury.

Council to con-  
vene and deter-  
mine result of  
election.

SEC. 38. The common council shall convene on the Thursday next succeeding each election, at their usual place of meeting and determine the results of the election upon each question and proposition voted upon, and what persons were duly elected at the said elections, to the several offices respectively; and thereupon the city clerk shall make duplicate certificates under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected by the council to the several offices respectively; one of which certificates he shall file in the office of the county clerk, in the said county of Eaton, and the other shall be filed in the office of the city clerk.

City clerk to  
make duplicate  
certificates  
showing result  
of election.

To be filed.

Who shall be  
deemed to be  
elected.  
In case of a tie  
vote.

SEC. 39. The person receiving the greatest number of votes, for any office in the city or ward, shall be deemed to have been duly elected to such office; and if there shall be no choice for any office, by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.

City clerk to  
notify in writing  
each person  
elected.

SEC. 40. It shall be the duty of the city clerk, within five days after the meeting and determination of the council as provided in section thirty-eight, to notify each person elected, in writing, of his election; and he shall also within five days after the council shall appoint any person to any office, in like manner notify such person of his appointment.

Clerk to notify  
council of fail-  
ure to file oath  
and bond.

SEC. 41. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the city clerk shall report in writing, to the common council, the names of the persons elected or appointed to any office, who shall have neglected to file such oath and requisite bond or security for the performance of the duties of the office.

#### DUTIES AND COMPENSATION OF OFFICERS—THE MAYOR.

Duty of mayor.

SEC. 42. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council, and shall from time to time give the council information concern-

ing the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, and see that the laws relating to the city, and the ordinances and regulations of the council are enforced.

SEC. 43. The mayor shall be a conservator of the peace, and may exercise within the city, the powers conferred upon sheriffs to suppress disorder; and shall have the authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council, to suppress riot and disorderly conduct.

Mayor to be a conservator of the peace.

SEC. 44. The mayor may remove any officer appointed by him at any time, and may suspend any policeman for neglect of duty. He shall have authority at all times to examine and inspect the books, records and papers of any agent, employé, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city. In the absence or disability of the mayor, or of any vacancy in his office, the president *pro tempore* of the council shall perform the duties of the mayor. He shall call special meetings of said council whenever he shall deem it expedient; or whenever requested in writing by three or more aldermen. He shall have the supervision and control of the marshal and the police; he shall countersign all orders and warrants for money on the treasury of said city, and perform generally such duties as shall be required of him by this act. He shall also have the power, when in his judgment he shall deem it necessary, to suspend any officer of the city, who shall hold his office during the pleasure of the council, and such suspension shall continue in force only until the next regular meeting of the council, unless it then be ratified by the council. Such suspension shall be a written order filed with the clerk, and a copy of which shall be served on the officer.

Mayor may remove or suspend, for neglect of duty.

Absence or disability of the mayor, who to perform the duties of.

To countersign all orders and warrants for money.

Power to suspend any officer.

Suspension shall be in writing, copy to be served on the officer.

#### ALDERMEN.

SEC. 45. The aldermen of the city shall be members of the council, and attend the meetings thereof, and act upon the committees when thereunto appointed by the mayor or council. As conservators of the peace, they shall aid in maintaining quiet and good order in the city and in securing faithful performance of the duties of all officers of the city. No alderman shall be elected or appointed to any other office in the city, during the term for which he was elected as alderman, nor appointed to any other office in the city within one year thereafter. They shall be peace officers in the city.

Duty of aldermen.

#### CITY CLERK.

SEC. 46. The city clerk shall keep the corporate seal, and all the documents, official bonds, papers, files, and records of the city, not by this act or the ordinances of the city entrusted

Duty of city clerk.

to some other officer; he shall be clerk of the council; shall attend its meetings, record all its proceedings, ordinances and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify under the seal of the city, copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be; he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations.

City clerk to be general accountant of the city.

SEC. 47. The city clerk shall be the general accountant of the city; and all claims against the corporation shall be filed with him for adjustment; after examination thereof, he shall report the same with all accompanying vouchers and counter-claims of the city, and the true balance as found by him, to the council, for allowance, and when allowed shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made, and to take proper receipts therefor; but no warrants shall be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised, or appropriated, the clerk shall report the amount thereof to the city treasurer, stating the object and funds for which it is levied, raised, or appropriated, and the amounts thereof to be credited to each fund.

No warrant to be drawn on any fund after the same has been exhausted.

Clerk to have supervision over all officers charged with receiving or disbursing city revenues.

SEC. 48. The city clerk shall exercise a general supervision over all officers charged in any manner with the receipts, collection, and disbursement of the city revenues, and over all the property and assets of the city; he shall have charge of all books, vouchers, and documents relating to the accounts, contracts, debts, and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the warrants drawn thereon, keeping a separate account with each fund; when any fund has been exhausted, the clerk shall immediately advise the council thereof.

To have charge of all books, vouchers and documents.

To keep a set of books, what to show.

City clerk to report to council detailed account of receipts, etc., when requested.

SEC. 49. The city clerk shall report to the council, whenever required, a detailed account of the receipts, expenditures and financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require. He shall also perform for the city all such duties as township clerks are required by law to perform for the several townships, except as herein otherwise provided, and for such services he shall receive the same fees and compensation as they are entitled to receive under the

laws of the State. The city clerk, by and with the approval of the common council, may appoint a deputy clerk who may in the absence or disability of the clerk, or under his direction, have all the powers and perform all the duties of said city clerk. Such city clerk and his bondsmen shall be liable for all the acts and defaults of such deputy; such deputy shall be paid by the city clerk.

May appoint a deputy.

## CITY TREASURER.

SEC. 50. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the city. He shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof. He shall pay no money out of the treasury except in pursuance of and by authority of law, and upon warrant signed by the clerk and countersigned by the mayor, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of and be charged with, all taxes and moneys appropriated, raised or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit all moneys thereto raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund endorsed thereon by the clerk.

Duty of city treasurer.

SEC. 51. The treasurer shall render to the clerk on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amount paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. He shall exhibit to the council annually on the third Monday in March, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasurer since the date of his last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balances remaining in each fund; which account shall be filed in the office of the clerk, and shall be published in at least one of the newspapers of the city.

Treasurer to report to the clerk, amount received and credited to each fund.

To exhibit detailed account to council annually.

SEC. 52. Said treasurer shall take receipts for all moneys paid from the treasury, showing the amount and fund from which payment was made and the voucher or warrant upon which it was paid, and file the same with the clerk with his monthly report.

To be filed in the office of the clerk and published in one of the newspapers. Treasurer to take receipts for all moneys paid.

SEC. 53. The city treasurer shall receive from the county treasurer, for the use of the school district, designated in this act as the "Public schools of the city," for the use of such districts, all school and library moneys coming to his hands to which the district shall be entitled; and for that purpose such school district shall be considered under the laws relating to the distribution of primary school and library moneys, the

To receive from county treasury all school and library money.

To keep an account of, and pay on the warrant of the school board.

same as a township. Said city treasurer shall keep an account of all school and library moneys of the district in such manner as the board of education may require, and account therefor to said board whenever they shall direct. He shall pay from such moneys to the district upon the presentation of proper warrants of the school board, and in no other way.

Treasurer shall keep all moneys belonging to the city, and the schools, separate from his own.

SEC. 54. The city treasurer shall keep all moneys in his hands belonging to the city and to the public schools, separate and distinct from his own moneys; and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt, or any of the school or library funds in his custody or keeping, for his own use or benefit or that of any other person; any violation of this section shall subject him to immediate removal from office by the city council, who are hereby authorized to declare the office vacant, and to appoint his successor for the remainder of his term. The treasurer of said city shall, before entering upon the duties of his office, file with the recorder his bond, conditional for the faithful performance of his duties as such treasurer, in such amount and with such sureties as the council shall require and approve; and such treasurer shall give to the treasurer of the county of Eaton such other security as is now or may hereafter be required by law of treasurers in the several townships of this State; and for the purpose of the return of all property delinquent for the non-payment of taxes, the treasurer shall possess all the powers and perform all the duties of the several township treasurers of the State, as prescribed by law. The treasurer of the city, by and with the approval of the common council, may appoint a deputy, who shall possess all the powers and may perform all the duties of the treasurer. Such city treasurer and his bondsmen shall be liable for all the acts and defaults of such deputy treasurer. Such deputy shall be paid by the treasurer.

Violation, subject to removal.

Treasurer to file bond.

May appoint a deputy.

#### CITY MARSHAL.

The city marshal to be chief of police.  
Duty of.

SEC. 55. The city marshal shall be the chief of the police of the city. As police officer, he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him, in all proceedings for violations of the ordinances of the city; such process may be served anywhere within the State.

Power as peace officer.

To suppress riots, disturbances, and breaches of peace.

SEC. 56. He shall suppress all riots, disturbances and breaches of peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the corporation, and pursue and arrest any person fleeing from justice from any part of the State. He shall arrest upon view, and with or without pro-



cess, any person found in the act of committing any offense against the law of the State or ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial, and may arrest and imprison persons found drunk in the streets, until they shall become sober.

To arrest disorderly persons.

SEC. 57. The marshal shall report in writing and on oath to the council, at their first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also, the number remaining in confinement for breaches of the ordinances of the city; the amount of all fines and fees collected by him. All moneys collected or received by the marshal, unless otherwise directed by this act, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the city clerk.

Marshal to make report in writing and on oath to the council, what to show.

SEC. 58. The city marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services; but in no case shall such fees be charged to, or paid by the city.

Fees.

#### CITY ATTORNEY.

SEC. 59. The city attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council and of all officers of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute for offenses against the ordinances of the city.

City attorney, duty of.

#### STREET COMMISSIONER.

SEC. 60. It shall be the duty of the street commissioner to perform or cause to be performed, all such labor, repairs, and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and parks within the city, as the council shall direct to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the council.

Street commissioner, duty of.

SEC. 61. He shall make a report to the council, in writing and on oath, once in each month, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor, the amount of material used, and the expense thereof, and the street or place where such material was used or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding report, and no payment for services or labor performed, or for expenses incurred by him, shall be made until reported on oath as aforesaid.

To make monthly report to council, what to show.

## CONSTABLES.

Constables, power and authority of.

SEC. 62. The constable of the city shall have the like powers and authority in matters of civil and criminal nature, and in relation to the services of all manner of criminal process, as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have the power also to serve all process issued for breaches of the ordinances of the city.

Duty of.

SEC. 63. The constables of the city shall obey all lawful orders of the mayor, aldermen, and chief of the police, and of any court or justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city; and shall discharge all duties required of them by any ordinance, resolution or regulation of the council, and for any neglect or refusal to perform any duty required of him, every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable, before entering upon the duties of his office shall give such securities for the performance of the duties of his office, as is required of constables in townships, or as may be required by the council, and file the same with the city clerk.

Penalty for refusal or neglect to perform duties.

To give security, and file with city clerk.

## COLLECTOR OF TAXES.

Taxes, who to collect.

SEC. 64. The city treasurer shall be the city collector and shall be the collector of State and county taxes within the city, and all other taxes and assessments levied within the city; he shall perform all such duties in relation to the collection of taxes as the council may prescribe.

## SUPERVISORS.

Supervisors, power and duty of.

SEC. 65. The supervisors are hereby authorized and required to perform the same duties in relation to the valuation of property and levying of taxes for all purposes, imposed by law, or by lawful authority, within their respective assessment districts, as township supervisors are authorized and required to perform in similar cases, within their townships under and by the general laws of this State; and they shall have the like powers and perform the like duties in all other respects as supervisors elected in such townships, except as herein otherwise provided, so far as such powers and duties are required to be exercised and performed in their respective assessment districts; they, together with the mayor, shall represent the city in the board of supervisors of the said county of Eaton, and shall have all the rights, privileges and powers of the several members of said board of supervisors.

## SCHOOL INSPECTORS.

**SEC. 66.** The school inspectors of the city shall perform such duties in and for the city and for the public schools, as are required of school inspectors elected in townships, so far as such duties are applicable or shall be required under this act. They shall also perform such duties, as members of the board of education, as are in this act prescribed.

*School inspectors, duty of.*

## JUSTICES OF THE PEACE.

**SEC. 67.** The justices of the peace elected in this city under the provisions of this act, shall have and exercise therein and within the county the same jurisdiction and powers in all criminal and civil matters, causes, suits and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of the State, and all actions within the jurisdiction of such justices of the peace, as to the subject matter, may be commenced and prosecuted in their courts in said city, whenever the plaintiffs or defendants, or one of the plaintiffs or defendants reside in said county of Eaton. They shall have authority to hear, try and determine all actions and prosecutions for the recovery or enforcing of fines, penalties and forfeitures for violation of this act, and for encroachments upon, and injuries to, any of the streets, alleys and public grounds within the city, except in cases where jurisdiction is given to some other court. They shall have the authority to hear, try and determine all suits and prosecutions for the recovery or enforcing of fines, penalties and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances as in the ordinances prescribed and directed, subject only to the limitations prescribed in this act.

*Justices of the peace, jurisdiction and duties of.*

**SEC. 68.** The proceedings in all suits and actions before said justices, and in the exercise of the powers and duties conferred upon and required of them, shall, except as otherwise provided in this act, be according to, and be governed by, the general laws applicable to courts of justices of the peace and to the proceedings before such officers.

*Proceedings, how governed.*

**SEC. 69.** Every justice of the peace shall enter in the docket kept by him, the title of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city, and all the proceedings, and the judgment rendered in every cause, and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties and forfeitures, moneys, and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the justices at all times to the examination of any person desiring to examine the same, and shall be produced by the justice to the council whenever required.

*Justices, what to enter in their docket.*

Fines, penalties, and forfeitures collected, to be paid over to city treasurer.

SEC. 70. All fines, penalties, and forfeitures collected or received by any justice of the peace for, or on account of violations of the penal laws of the State, and all fines, penalties, forfeitures, and moneys collected or received by such justice, for or on account of violations of any ordinances of the city, shall be paid over by such justice to the city treasurer on or before the first Monday of the month next after the collection or receipt thereof. And the justice shall take the receipt of the city treasurer therefor and file the same with the city clerk.

What to report.

SEC. 71. Every such justice shall report, on oath, to the council, at the first regular meeting thereof in each month, the name of every person against whom a prosecution has been commenced, or judgment rendered for any of the fines, penalties, or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution, and the amount thereof paid to the city treasurer since the last preceding report.

Fines, when paid into city treasury how disposed of. Expense of prosecutions for violation of criminal laws, to be paid by county. Justice to give bonds.

SEC. 72. All fines recovered for the violations of the penal laws of the State, when collected and paid into the city treasury, shall be disposed of as provided by law. The expenses of prosecutions before justices of the peace of the city for violations of said criminal laws, and in punishing the offenders, shall be paid by the said county of Eaton.

SEC. 73. Each justice of the peace, in addition to any other security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the city in penalty of one thousand dollars, with sufficient sureties to be approved by the mayor, which approval shall be indorsed upon the bond, conditioned for the faithful performance of the duties of the justices of the peace within and for the city.

Misconduct in office, refusal or neglect to perform the duties a misdemeanor.

SEC. 74. Any justice of the peace who shall be guilty of misconduct in office, or who shall wilfully neglect or refuse to perform or discharge any of the duties of his office required by this act or any of the ordinances of the city, shall be deemed guilty of a misdemeanor, and punishable accordingly, and may be suspended from office by the council during its pleasure.

Unclaimed or stolen property.

SEC. 75. Every justice of the peace of the city shall account on oath to the council, at their first meeting in each month, for all such moneys, goods, wares, and property seized as stolen property, as shall then remain unclaimed in his office; and shall make such disposition thereof as shall be prescribed by the ordinances of the city.

Rights, powers, duties, and liabilities of officers.

SEC. 76. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with this act, as the council may deem expedient, and prescribe by ordinance or resolution.

## COMPENSATION OF OFFICERS.

SEC. 77. The mayor and alderman may each receive such salary, not exceeding fifty dollars per year, as may be prescribed by the council. The city clerk, marshal, street commissioner, city attorney, and other appointive officers of the city, shall receive such compensation as the common council shall by resolution or ordinance determine. The compensation of supervisors for assessing, and levying taxes, extending taxes upon their rolls, and the compensation of the city treasurer for collection of taxes, and for all other services performed by said officer, shall be the same compensation as is by law allowed supervisors and treasurers of townships. School inspectors shall serve without compensation. Justices of the peace, constables, and officers serving process and making arrests, may, when engaged in causes and proceedings for violation of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All such officers elected or appointed in the city shall, except as herein otherwise provided, receive such compensation as the council shall determine.

Compensation of mayor and alderman.  
City clerk, marshal, street commissioner, city attorney.  
Supervisors.

School inspectors, justices of the peace, constables.

Other officers.

SEC. 78. The salary or rate of compensation of any officer elected or appointed by authority of this act shall not be increased or diminished during his term of office; and no person who shall have resigned or vacated any office, shall be eligible to the same office, during the term for which he was elected or appointed, when, during the same time, the salary or rate of compensation has been increased.

The salary of any officer shall not be increased or decreased during his term of office.

## THE CITY COUNCIL.

SEC. 79. The legislative authority of this city shall be vested in a council consisting of the mayor, two aldermen elected from each ward and the city clerk.

Legislative authority, in whom vested.

SEC. 80. The mayor shall be the president of the council, and preside at the meetings thereof, but shall have no vote except in case of a tie, when he shall have the casting vote.

President of the council.

SEC. 81. On the first Monday in May of each year, the council shall appoint one of their number president *pro tempore* of the council, who, in the absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of the president. He shall have a vote upon all questions. In the absence of the president and the president *pro tempore*, the council shall appoint one of their number to preside; and for the time being he shall exercise the powers and duties of the president *pro tempore*.

To appoint a president *pro tempore*.

SEC. 82. The city clerk shall be clerk of the council, but shall have no vote therein. He shall keep a full record of all the proceedings of the council, and perform such other duties relating to his office as the council may direct. In the absence of the clerk the council shall appoint one of their number to perform the duties of his office for the time being.

City clerk to be clerk of the council.

Aldermen required to attend all meetings and sessions of council. Salaries not to be paid until expiration of their term.

SEC. 83. The aldermen, each of whom shall be entitled to a vote in all proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon. The salaries of the mayor and aldermen shall not be paid to them until the expiration of their term of office, and there shall be deducted from the salary of the mayor five dollars, and from the salary of each of the aldermen three dollars, for each time that the record of any meeting of the common council show that they have been absent from such meeting at the time such meeting was called to order, or at the time for which said meeting was called, unless it shall appear from said record of said common council, that said mayor or aldermen has been excused by a resolution of the common council, adopted by two-thirds of all the members present, at a regular meeting, for their absence from such meeting of the common council, in which case no deductions shall be made for such absence from the salary of the mayor or aldermen so excused: *Provided*, That the common council shall have power to excuse each other from attendance upon a meeting of the common council, regularly called, for the following reasons, to wit:

*Provido*.

*First*, Sickness of such officer, or some member of his family, which shall necessitate his remaining at home;

*Second*, Absence from the city upon important business, such as in the opinion of the common council shall be a sufficient excuse for such absence: *Provided*, That absence from the city for two or more consecutive meetings of the common council shall not be deemed sufficient excuse for either the mayor or alderman neglecting to attend such meetings of the common council, unless permission to be absent for such time shall be granted to such member prior to the time of such absence from the city.

*Provido*.

Council to be judge of the election returns, and qualifications of its own members. Regular meetings. Special meetings.

SEC. 84. The council shall be the judge of the election returns, and qualifications of its own members. It shall hold regular stated meetings for the transaction of business, at such times and places within the city as it shall prescribe; not less than two of which shall be held each month. The mayor, or any three members of the council, may appoint special meetings thereof, notice of which in writing shall be given to each alderman, or be left at his place of residence, at least twelve hours before the meeting: *Provided*, That a meeting held at any time when all the members of the council are present and consenting thereto, shall be legal without a previous appointment or notice.

*Provido*.

All meetings and sessions of the council shall be in public. Quorum.

SEC. 85. All meetings and sessions of the council shall be in public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a con-

Two-thirds vote required

curring vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any resolution be passed or adopted except by the vote of a majority of all the aldermen elected to office, except as herein otherwise provided.

No money shall be appropriated except by ordinance or resolution of the council.

SEC. 86. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof: *Provided*, That all the rules in force for the government of the common council of the city of Charlotte are hereby continued in force for the government of the common council created by this act until the same shall be by said common council altered or repealed. All votes shall be taken by yeas and nays, if the yeas and nays be called for by any member of the common council present, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative; and within one week after the meeting of the council, all the proceedings and votes taken thereat shall be published in one of the newspapers of the city.

Council shall prescribe the rules of its own proceedings and keep a record or journal thereof. *Provide*.

Proceedings to be published in one of the newspapers.

SEC. 87. The council may compel the attendance of its members and other officers of the city, at its meetings, in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.

Council may compel attendance at its meetings.

SEC. 88. The city attorney, city marshal, street commissioner, and chief engineer of the fire department shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

City attorney, marshal, street commissioner, and city engineer to have seats in the council but no vote.

SEC. 89. The council shall have the control of the finances, and of all the property, real and personal, of the city corporation, except as may be otherwise provided by law.

Council to have control of finances, etc.

SEC. 90. Whenever by this act or any other provision of law, any power or authority is vested in, or duty imposed upon, the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.

Council may enact ordinances to regulate the performance of any duty.

SEC. 91. The council may provide by ordinance for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to it. Such committees shall be appointed by the mayor. The chairman of any committee or special committee of the common council shall have power to administer an oath or take an affidavit in

Council may provide by ordinance for appointment of standing committees.

Mayor to appoint.

respect to any matter pending before the common council or such committee.

All records, proceedings, books, documents, etc., to be kept in office of city clerk.

SEC. 92. The council shall cause all the records of the corporation, and of all the proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the city, or to the official acts of any officer of the corporation, unless required by law to be kept elsewhere, to be deposited and kept in the office of the city clerk, and to be so arranged, filed and kept as to be convenient of access and inspection, and all such records, books and papers shall be kept subject to inspection by any inhabitant of the city or other person interested therein, at seasonable times, except such parts thereof as, in the opinion of the council, it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter, or destroy any such books, records, documents or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of any part thereof from being known, shall, on conviction thereof, be punished by imprisonment in the State Prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

To be kept subject to inspection.

No alderman or member of the council to receive any pay except as herein provided.

SEC. 93. No member of the council, or alderman, shall receive any compensation for his services, either as councilman, alderman, committeeman, or otherwise, except as herein provided.

Not to be interested in any contract.

SEC. 94. No member of the council, or any officers of the corporation, shall be interested, directly or indirectly, in the profits of any contract, job, work or services, other than the official services to be performed for the corporation. Any member of the council, or officer of this city, herein specified, offending against the provisions of this section, shall, upon conviction thereof, be fined not less than five hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

Penalty for.

Removal from office.

SEC. 95. Any person appointed to office by the council by authority of this act, may be removed therefrom by a vote of the majority of the aldermen elect; and the council may expel any alderman or remove from office any person elected thereto, by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, provision shall be made, by ordinance, for preferring charges and trying the same; and no removal of an elective officer shall be made, unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

Investigating charges against officer.

SEC. 96. To enable the council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor, or any justice of the peace of the city is empowered, at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of



persons and the production of books and papers, before the council or any committee thereof.

SEC. 98. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or chairman of such committee for the time being, shall have power to administer the necessary oaths; and such council or committee shall have the same power to compel the witnesses to testify as is conferred on courts of justices of the peace.

The presiding officer empowered to administer oaths.

SEC. 99. The council shall audit and allow all accounts chargeable against the city; but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with an affidavit of the person rendering it to the effect that he verily believes that the services or the property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except as are indorsed or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city, that it has never been presented, verified as aforesaid, to the council for allowance; or, that the claim was presented without the affidavit aforesaid and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it. No suit or action shall be maintained against the said city, upon any account, claim or demand, until the same shall have been presented to the common council, in the manner in this act provided for, and the council shall have had a reasonable time and opportunity to investigate and pass upon the same.

Council to audit and allow accounts chargeable against the city. To be accompanied by affidavit.

Account to show in detail.

#### ORDINANCES.

SEC. 100. The style of all ordinances shall be, "The city of Charlotte ordains." All ordinances shall require, for their passage, the concurrence of the majority of all aldermen elected. The time when any ordinance shall take effect shall be prescribed therein. When the ordinance imposes a penalty, the same shall not become operative, however, until ten days after the same shall have been published as hereinafter provided.

Ordinances, style of, majority vote required for their passage.

SEC. 101. When, by the provisions of this act, the council has authority to pass ordinances for any purpose, they may prescribe fines, penalties and forfeitures not exceeding two hundred dollars, unless a greater fine or penalty is herein authorized, or imprisonment not exceeding six months, or both in the discretion of the court, together with the costs of prosecution, for each violation of any of said ordinances; and may provide that the offender, on failing to pay any such fine,

Council may prescribe fines, penalties, and forfeitures, for violation of ordinances.

penalty or forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding six months, unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison, or in the county jail of said Eaton county, or in such other prison or place of confinement in the State as the council may prescribe; and that the offender be kept at labor during such imprisonment. Such fine, penalty, forfeiture and imprisonment, for the violation of any ordinance, shall be prescribed therein.

Ordinances, when they shall be deemed to be regularly enacted.

SEC. 102. On the same day, or on the next day after the passage of any ordinance, the clerk of the council shall present the same to the mayor or other person performing for the time being the duties of his office, unless he omit to return it to the clerk of the council with his objections thereto, within three days after its presentation to him, in which case it shall be deemed regularly enacted. If, after the return of the ordinance with the objections thereto, as aforesaid, the same shall be passed or reenacted by a vote of two-thirds of all the aldermen elected, the ordinance shall be deemed regularly enacted, and the time of its reenactment shall be deemed to be the time of its passage.

Clerk to certify thereon time of presenting to mayor for approval and return of same.

SEC. 103. At the time of presenting any ordinance to the mayor for his approval, the clerk of the council shall certify thereon, and also in the journal or record of the proceedings of the council, the time when the same was so presented, and also certify thereon and in such journal or record, the time of the return of such ordinance, and whether approved, and with the objections, and shall at the next meeting of the council report any ordinance returned with the objections thereto.

No ordinance shall be revised unless so much as is intended to revise is re-enacted.

SEC. 104. No ordinance shall be revised unless the whole, or so much as is intended to be revised, shall be reenacted. When any section of any ordinance is amended, the whole section, as amended, shall be reenacted.

Ordinances when enacted to be recorded by clerk.

SEC. 105. All ordinances when approved by the mayor or when regularly enacted shall be immediately recorded by the clerk of the council, in a book to be called, "The Record of Ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

To be published in newspaper.

SEC. 106. Within one week after the passage of any ordinance the same shall be published in some newspaper printed and circulated within the city, and the clerk shall, immediately after such publication, enter on the record of ordinances, in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made.

Judicial notice, what to be taken of.

SEC. 107. In all courts having authority to hear, try or determine any matter or cause arising under the ordinances of any city, and in all proceedings in such city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions

and continuing force of the ordinances of the city. And Proof. whenever it shall be necessary to prove any of the laws, regulations, or ordinances of any city, or any resolution adopted by the council thereof, the same shall be read in all courts of justice, and in all proceedings: *First*, From a record thereof kept by the city clerk; *Second*, From a copy thereof, or of such record thereof, certified by the city clerk under the seal of the city; *Third*, From any volume of ordinances purporting to have been written or printed by authority of the council.

#### ENFORCEMENT OF ORDINANCES.

SEC. 108. Prosecutions for violations of the ordinances of the city, shall be commenced within two years after the commission of the offense; and shall be brought within the city, or within the county of Eaton. Prosecutions for violations of ordinance, when and where to be brought.

SEC. 109. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction thereof such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property it may be sued for and recovered in an action of trover, or other appropriate action. And whenever the corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid. Pecuniary penalty, or forfeiture, how recovered.

SEC. 110. Such action shall be brought in the name of the city, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the cause, shall except as otherwise provided herein, conform to and be the same as nearly as may be, as in like action provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action. Action, how brought.

SEC. 111. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender. Prosecutions except against corporations, how commenced.

SEC. 112. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings, and all proceedings upon the trial of the cause, and in procuring the attend- Warrant, what to set forth. Proceedings, how governed.

ance and testimony of witnesses, and in rendition of judgment, and the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be to the provisions of law regulating the proceedings in criminal causes cognizable by justices of the peace.

If convicted, court to render judgment and inflict punishment.

SEC. 113. If the accused shall be convicted, the court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order.

Judgment, how executed.

SEC. 114. Every such judgment shall be executed by virtue of an execution or warrant, specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section one hundred ten of this chapter shall be issued forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In case where a fine and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

City to be allowed use of Eaton county jail.

SEC. 115. The city shall be allowed the use of the jail of Eaton county for the confinement of all persons liable to imprisonment under the ordinances thereof or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to, and committed to imprisonment in such county jail, or in the city prison, or other place of confinement provided by the city, or authorized by the ordinances of the city, and the sheriff or other keeper of such jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

Process issued to be directed to city marshal or any constable.

SEC. 116. All process issued in any prosecution or proceedings for the violation of any ordinance of the city, shall be directed to the city marshal, or to any constable of the city or county, and may be executed in any part of the State, by said officers or any other officer authorized by law to serve such process issued by justices of the peace.

Not necessary to set forth ordinance, but reciting title and date of passage shall be sufficient.

SEC. 117. It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provision thereof, in any complaint, warrant, process or pleading therein; but the same shall be deemed sufficiently set forth or stated, by reciting its title and the date of its passage or approval. And it shall be a sufficient statement of the cause of action in any

complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and date of passage or approval, and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence and provisions of the ordinances of the city, and the resolutions of the council, and of the authority of the city to enact the same.

SEC. 118. In all prosecutions for violations of the ordinances of the city, either party may require a trial by a jury. Tried by jury. Such jury, except where other provision is made, shall consist of six persons; and, in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrate. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.

SEC. 119. Any party convicted of violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the county of Eaton, by appeals or writ of *certiorari*, and the proceedings [therefor] thereof, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings, by *certiorari*, into the circuit court and the like proceedings shall be had therefor and thereon, and the like bond or surety shall be given, as in cases of appeal and *certiorari* in civil causes, tried before justices of the peace, except that the city shall not be required to give any bond or security thereon. Appeals to circuit court. The circuit court to which the cause shall be appealed or removed by *certiorari*, shall also take judicial notice of the ordinances of the city, and the resolutions of the council, and of the provisions thereof. Judicial notice.

SEC. 120. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. Fines to whom paid. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the city treasury, except such fines as by the consti-

tution are appropriated for library purposes, on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.

Refusal or neglect to pay over fines.

SEC. 121. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause a suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving any such fine, who shall wilfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars, or by imprisonment not less than ninety days, or by both such fine and imprisonment.

Fines paid into the city treasury, how disposed of.

SEC. 122. Fines paid into the city treasury for violations of the ordinances of the city, shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, except such part as shall be paid by costs collected, shall be defrayed by the city.

Jurisdiction of circuit court.

SEC. 123. The circuit court of the county of Eaton shall have jurisdiction to hear, try and determine all causes arising under the ordinances of the city for violations thereof, when the fine or forfeiture shall not exceed one hundred dollars, or when the offender may be imprisoned for a term not exceeding three months. The proceedings in the circuit court in all such cases shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of the criminal laws of the State; and the general laws of the State regulating prosecutions in criminal cases, and to recover penalties, shall apply.

Jurisdiction of justices of the peace.

SEC. 124. The justices of the peace of the city shall have concurrent jurisdiction in all cases mentioned in the preceding section; but they shall not render judgment for more than one hundred dollars of the penalty or forfeiture imposed by any ordinance for the violation thereof, nor shall they sentence to imprisonment for a longer period than ninety days.

Security for cost to be filed.

SEC. 125. In all prosecutions for violations of the ordinances of the city, commenced by any person other than an officer of the city, the court may require the prosecutor to file security for the payment of the costs of the proceedings, in case the defendant is acquitted.

#### GENERAL POWERS OF THE CITY CORPORATION.

Power and authority of the city.

SEC. 126. This city shall, in addition to such powers as are herein conferred, have the general powers and authority under this title mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, viz.:

Vice, immorality, gambling, and disorderly conduct.

*First*, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell

riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation or congregation therein, and to punish for injuries therto, or for unlawful interference therewith;

*Second,* To apprehend and punish vagrants, drunkards, disorderly persons and common prostitutes;

Vagrants, drunkards and prostitutes. Annoyances, nuisances, refusal or neglect to abate.

*Third,* To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue or remove the same, and generally to determine and declare what shall be deemed nuisances;

*Fourth,* To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

To prohibit and suppress disorderly and gambling houses and places.

*Fifth,* To regulate, license or prohibit, and suppress billiard tables, nine or tenpin alleys or tables, and ball alleys, and to punish the keepers thereof;

Billiard tables, tenpin and ball alleys.

*Sixth,* To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

To suppress gaming, authority to seize and destroy devices.

*Seventh,* To regulate, prohibit and suppress ale, beer and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof; and to require all such places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe;

To regulate, prohibit and suppress ale, beer and porter house.

*Eighth,* To prohibit the selling or giving of any spirituous, fermented or intoxicating liquors to any drunkard or intemperate person, minor or apprentice, and to punish any person so doing;

To prohibit selling or giving liquors to drunkards, minors, and intemperate persons.

*Ninth,* To regulate and restrain and prohibit all sports, exhibitions of natural or artificial curiosities, [caravans] carvings, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historic, literary or scientific subjects excepted;

Sports, exhibitions and shows.

*Tenth,* To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose; and to require all places of business to be closed on the Sabbath day;

Violations of the Sabbath, disturbance of meetings.

*Eleventh,* To license auctioneers, auctions and sales at auctions; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public biddings or offers by the buyers or seller after the manner of auction sales or Dutch auctions, and to license

Auctioneers, to regulate and license.

Hawkers, peddlers and pawnbrokers.

Slaughter houses.

Ringling of bells and crying of goods.

Taverns and houses of public entertainment.

To regulate vehicles used for transportation and hire.

To provide employment for persons confined in jail.

Inspection of meats, poultry, fish, butter and vegetables.

Weighing and measuring brick, lumber, wood, coal and hay. Sealing of weights and measures.

To enforce the use of proper weights and measures. Vaults, cisterns, pumps and sewers. Indecent exposure, obscene pictures, to prohibit.

Bathing in streams and waters of the city, to prohibit.

the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;

*Twelfth*, To license hawkers, peddlers, pawnbrokers and hawking and peddling; and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments, or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device, in the streets, highways or in or upon the open places or spaces, public grounds or buildings of the city;

*Thirteenth*, To direct the location of all slaughter houses, and regulate the management of the same;

*Fourteenth*, To regulate the ringling of bells, and the crying of goods and other commodities for sale at auction or otherwise; to prevent disturbing noises in the streets;

*Fifteenth*, To regulate and license all taverns and houses of public entertainment; all saloons, restaurants and eating houses;

*Sixteenth*, To license and regulate all vehicles of every kind, used for the transportation of persons and property, for hire, in the city;

*Seventeenth*, To provide for the employment of all persons confined in the common jail of the county of Eaton, for the non-payment of any fine, penalty or forfeiture, or costs, imposed upon such persons for the violations of any by-laws or ordinance of said city, or of the provisions of this act, at work or labor upon the streets, lanes, alleys or public grounds of said city, or any public work under the control of the common council, and to allow any person so confined to pay and discharge such fine, penalty, forfeiture or costs, by such labor at such rate or amount per diem, or otherwise, as the common council shall fix and establish;

*Eighteenth*, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions;

*Nineteenth*, To regulate the inspection, weighing and measuring of brick, lumber, fire wood, coal, hay and any article of merchandise;

*Twentieth*, To provide for the inspection and sealing of weights and measures;

*Twenty-first*, To enforce the keeping and use of proper weights and measures by venders;

*Twenty-second*, To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters;

*Twenty-third*, To prohibit and prevent in the streets, or elsewhere in the city, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind;

*Twenty-fourth*, To regulate or prohibit bathing in the rivers, ponds, streams and waters of the city; to prohibit the running at large of any animals, beasts, birds or fowls;



*Twenty-fifth*, To provide for the clearing the ponds and streams of the city of all drift wood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive;

Clearing streams and ponds of the city, and to prohibit depositing filth therein.

*Twenty-sixth*, To compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher shop or stall, slaughter house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of said city;

To compel owners or occupants to cleanse and abate all nuisances.

*Twenty-seventh*, To regulate the keeping, selling and using of gunpowder, firecrackers and fireworks, and other combustible materials, and the exhibition of fireworks, and the discharge of firearms, and to restrain the making or lighting of fires in the streets and open spaces in the city;

To regulate the keeping, selling and using gunpowder, firecrackers and fireworks.

*Twenty-eighth*, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon;

To regulate the construction of cellars, private drains, sinks and privies.

*Twenty-ninth*, To prohibit, prevent and suppress mock auctions, and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, [and] all persons aiding in the management or practice thereof;

Mock auctions, fraudulent games, to prohibit and suppress.

*Thirtieth*, To prohibit, prevent, and suppress all lotteries for the drawing or disposing of money, or any other kind of property whatsoever and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, directing, or managing the same;

To prohibit and suppress all lotteries.

*Thirty-first*, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

To license and regulate solicitors for passengers or baggage.

*Thirty-second*, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon said city, and to punish therefor;

Protection of paupers, and to prohibit bringing in the city.

*Thirty-third*, To provide for taking a census of the inhabitants of the city, whenever the council shall see fit; and to direct and regulate the same; to provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants to affix numbers on the same;

To provide for taking census, and numbering buildings.

To license and regulate trades, mercantile pursuits and business occupations.

Council to enact all ordinances for the safety and good government of the city.

No exclusive rights or privileges to be granted.

Licenses, terms and conditions on which they may be granted.

Licenses, term granted for; not transferable.

All sums for license to be paid into city treasury to credit of contingent fund. Authority to permit railroads to lay tracks and operate in the city.

Railroad tracks, location and grade of crossings.

To keep flagmen or watchmen.

*Thirty-fourth*, To license and regulate any trades, mercantile pursuits or business occupations, transient dealers, peddlers or merchants, or professional callings, and may levy such licenses for the purpose of raising revenue to the city;

*Thirty-fifth*, And further, the council shall have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges, or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever.

SEC. 127. The council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such sum for any license as they may deem proper. Every license shall be revocable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to other penalties imposed, forfeit all payments made for such license.

SEC. 128. No license shall be granted for any term beyond the first Monday in May next thereafter, nor shall any license be transferable. And the council may provide for the punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation, or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

SEC. 129. All sums received for licenses granted for any purpose by the city, or under its authority, shall be paid into the city treasury to the credit of the contingent fund.

SEC. 130. The council of any city shall have authority to permit any railroad company to lay its track, and operate its road with steam locomotives, in or across the public streets, highways or alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe; and to prohibit the laying of such track, or the operating of any such road, except upon such terms and conditions.

SEC. 131. The council shall have power to provide for and change the location and grade of street crossings of any railroad track; and to compel any railroad company to raise or lower their railroad track, to conform to street grades which may be established by the city from time to time; and to construct street crossings in such manner, and with such protection to persons crossing thereat, as the council may require; and to keep them in repair; also, to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives.

tives and railroad trains within the city; but such speed shall not be required to be less than four miles per hour; and to impose a fine of not less than five nor more than fifty dollars on the company, and upon any engineer or conductor, violating any ordinance regulating the speed of trains.

To regulate speed within the city.

SEC. 132. The council shall have power to require any railroad company, and any street railroad company, to make, keep open and in repair, such ditches, drains, sewers, and culverts along and under, or across their tracks, as may be necessary to drain their grounds and right of way properly, and in such manner as the council may direct; and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company shall neglect to perform such requirements, according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company in a civil action, before any court having jurisdiction of the cause.

Council shall have power to require railroads to keep open and in repair ditches, drains and culverts.

SEC. 133. The council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, inclosures, and parcels of land in said city; and relative to the assigning to the owners or occupants of such adjoining pieces of land the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignment and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. The aldermen shall be fence viewers in their respective wards, and the council may prescribe their duties and mode of proceeding in all cases relating to partition fences in said city, and where not otherwise provided by the common council, they shall be subject to the same powers and liabilities and rules of procedure, as the fence viewers in townships under the general laws of the State.

Partition fences, council authorized to enact ordinance relative thereto.

SEC. 134. The council of the city may make such provisions as they shall deem expedient for the support and relief of poor persons residing in the city; and for that purpose may provide by ordinance for the election or appointment of a director of the poor for the city, and may prescribe his duties and vest him with such authority as may be proper for the due exercise of his duties.

Relief of poor persons, council to provide for.

#### POLICE.

SEC. 135. The council of the city may provide by ordinance for a police force, and for the appointment by the mayor, by and with the consent of the council, of such number of policemen and nightwatchmen as they may think necessary for the good government of the city, and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time when in

Council to provide by ordinance for a police force.

his judgment the emergency or necessity may require; and may provide for and appoint subordinate officers for the police and nightwatchmen.

To establish rules for the regulation of the police force.

SEC. 136. The council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and nightwatchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and from unlawful depredation. And the mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require; but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days.

City marshal to have the superintendence of the police and nightwatchmen.

SEC. 137. The city marshal, subject to the direction of the mayor, shall, as chief of the police have the superintendence and direction of the policemen and nightwatchmen, subject to such regulations as may be prescribed by the council.

Duty of police and watchmen.

SEC. 138. It shall be the duty of the police and nightwatchmen and officers of the force, under the direction of the mayor and chief of police and in conformity with the ordinances of the city, to suppress all riots, disturbances, and breaches of the peace; and to pursue and arrest any person fleeing from justice, in any part of the State; to apprehend any and all persons in the act of committing any offense against the laws of the State, or the ordinances of the city, and to take the offender forthwith before the proper magistrate or court, to be dealt with for the offense; to make complaint to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of the ordinances of the city, or the penal laws of the State; and at all times diligently and faithfully to enforce all such laws, ordinances and regulations for the preservation of good order and public welfare as the council may ordain; and to serve all process directed or delivered to them for service, and for such purposes the chief of police, and every policeman and nightwatchman shall have all the powers of constables, and may arrest upon view and without process, any person in the act of violating any ordinance of the city, or of committing any crime against the laws of the State. And the chief of the police and any policeman may serve all process in suits and proceedings for violations of the ordinances of the city, and also any other process which, by law, a constable may serve.

Fees of policemen for serving process.

SEC. 139. When employed in the service of process, policemen shall receive the same fees therefor as are allowed constables for like services; when otherwise engaged in the performance of police duty, they shall receive such compensation therefor from the city as the council may prescribe. Every policeman shall report on oath to the council, at its first meet-

ing in every month, the amount of all moneys and fees received by him for services as policeman since his last preceding report, and the names of the persons from whom received, and the amount received from each.

SEC. 140. The mayor may suspend any policeman or night-watchman for neglect of duty, misconduct or other sufficient cause, and the council may remove from office any policeman appointed thereto at any time, at pleasure.

Mayor may suspend for neglect of duty, or other causes.

#### CITY PRISON.

SEC. 141. The council of the city shall have power to provide and maintain a city prison, and such watch or station houses as may be necessary and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those imprisoned therein.

Council shall have power to provide and maintain city prison.

SEC. 142. All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines for violations of the ordinances of the city, may be kept at hard labor, during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe.

May be kept at hard labor.

#### PUBLIC HEALTH.

SEC. 143. The council of the city may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof and to prevent the introduction of malignant, infectious, contagious, or communicable diseases within the city or within one mile thereof; and for the removal of such persons having such diseases, or who, from exposure thereto or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the council may prescribe, or the public safety may require.

Health regulations.

SEC. 144. The council shall have the power to prevent and remove or abate all nuisances dangerous to life or health within the city; and may require any person, corporation or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice, and within such time, and in such manner as the council may by ordinance or resolution direct.

To prevent, remove or abate all nuisances.

SEC. 145. If any cellar, vault, lot, sewer, drain, place, or premises within the city shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned, amended or purified; or may require the owner or occupant, or person

Damp, unwholesome, offensive, or filthy cellars, sewers, vaults, etc., to be filled up, cleaned, or purified.

in charge of such lot, premises or place, to perform such duty; and may require the owner or occupant of any building, fence or structure which may be ruinous, or liable to fall and injure persons or property, to pull down or remove the same; or the council may cause the same to be done by the proper officer of the city.

Neglect to remove or abate a nuisance, how the expense may be recovered.

SEC. 146. If any person, corporation or company shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council, or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance, or in causing such duty or requirement to be performed, such expense may be recovered by the city in an action of debt or assumpsit against such person, corporation or company; and such judgment shall be a lien upon the lot or premises concerning which such expense was incurred, until the same shall be fully paid; and such judgment may be certified to the council by the court wherein the same is of record and the council may certify the same to the supervisor of the assessment district in which such premises are situated, and such supervisor shall spread it upon the assessment roll of that year, and the same shall be collected the same as the general city taxes. And in all cases where the city shall incur any expense for draining, filling, cleansing or purifying any lot, place, or premises, or for removing any unsafe building or structure or for removing or abating any nuisance found upon any lot or premises, the council may, in addition to all other remedies provided for the recovery of such expense, charge the same or such part thereof as they shall deem proper, upon the lot or premises upon or on account of which such expense was incurred, or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment.

Council may assign a place for the exercising of any trade or employment offensive or dangerous to the public health.

SEC. 147. The council, when they shall deem it necessary, may from time to time assign, by ordinance, certain places within the city for the exercising of any trade or employment offensive to the inhabitants or dangerous to the public health; and may forbid the exercise thereof in places not so assigned; and may change or revoke such assignments at pleasure; and whenever a business, carried on in any place so assigned, or in any other place in the city, shall become hurtful or dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

Hospitals, pest-houses, or quarantine buildings.

SEC. 148. The council may purchase the necessary lands, and erect thereon, or otherwise provide, one or more hospitals, or pesthouses, or quarantine buildings, either within or without the city limits, and provide for the appointment of the necessary officers, attendants, or employees, for the care and management thereof, and for the care and treatment therein, of such sick and diseased persons as to the council or board of health of the city shall seem proper; and, by direction of the

council or board of health, persons having any malignant, infectious or contagious disease, may be removed to such hospitals, pesthouse or quarantine buildings, and there detained and treated, when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person departing from such hospital until duly discharged.

SEC. 149. The council shall also have and exercise within and for the city, all the powers and authority conferred upon boards of health by chapter forty-six of the compiled laws of eighteen hundred and seventy-one, so far as the same are applicable and consistent with this act; and they may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

Boards of health, council to have power and authority of.

SEC. 150. The council when deemed necessary may establish a board of health for the city and appoint the necessary officers [thereof] therefor, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all powers and authority conferred on boards of health by the chapter of the compiled laws referred to in the preceding section, and by the general laws of the State, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule or regulation made by the board of health or any officer thereof.

Council may establish a board of health when deemed necessary.

#### CEMETERIES.

SEC. 151. Said city may acquire, hold and own such cemetery or public burial place or places, either within or without the limits of the corporation as in the opinion of the common council shall be necessary for the public welfare and suitable for the convenience of the inhabitants. The common council may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as they may prescribe; and may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials, or when policy shall demand, to be taken up and buried elsewhere.

City may acquire, hold and own cemeteries within or without the corporation.

SEC. 152. The common council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection and care thereof.

Council may raise and appropriate such sums necessary to purchase cemetery grounds.

SEC. 153. The council may pass and enforce all ordinances necessary to carry into effect the provisions herein contained, and to control and regulate such cemetery or burial place or improvement thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations.

Council may pass and enforce ordinances to control and regulate.

## POUNDS.

Council may provide and maintain a pound, and appoint poundmaster.

To impound all animals, etc., found at large contrary to law.

To prescribe the fees, and rate of expenses for keeping impounded beasts, animals, or fowls.

SEC. 154. The council may provide and maintain one or more pounds within the city, and may appoint poundmasters, prescribe their powers and duties and fix their compensation; and may authorize the impounding of all beasts, animals, geese and other fowls found in the streets or otherwise at large contrary to any ordinance of the city; and if there shall be no pound or poundmaster, they may provide for the impounding of such beasts, geese and fowls, by the city marshal, in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of poundmaster.

SEC. 155. The council may also prescribe the fees for impounding, and the amount or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the beasts, animals, geese or fowls impounded; and may authorize the sale of such beasts, geese and fowls for the payment of such fees, expenses and charges, and for penalties incurred, and may impose penalties for rescuing any beast or thing impounded.

## MARKETS.

Council shall have power to erect market houses, to establish and regulate the same.

Council may adopt and enforce rules to prevent frauds, and preserve order.

SEC. 156. The council of the city shall have the power to erect market houses, establish and regulate markets and market places, for the sale of meats, fish, vegetables and other provisions and articles necessary to the sustenance, convenience and comfort of the inhabitants; to prescribe the times for opening and closing the same; and kind and description of the articles which may be sold; and the stands and places to be occupied by the vendors.

SEC. 157. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and to preserve order in the markets; and may authorize the immediate seizure, arrest, and removal from the market, of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted or unsound meats, or other provisions exposed for sale therein, or within the city.

## PUBLIC BUILDINGS, GROUNDS AND PARKS.

City may acquire, purchase, and erect public buildings.

May purchase and own real estate.

SEC. 158. The city may acquire, purchase and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate, and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes necessary or convenient for the public good, and the execution of the powers conferred in this act; and such buildings and grounds, or any part thereof, may be sold, leased and disposed of as occasion may require.



SEC. 159. When the council shall deem it for the public interest, grounds and buildings for the city prisons, work-houses, hospitals, pesthouses, cemeteries, water-works, and other necessary public uses, may be purchased, erected and maintained beyond the corporate limits of the city; and in such cases the council shall have authority to enforce beyond the city limits, and over such lands, buildings and property, in the same manner and to the same extent as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, workhouses or hospitals.

Authority of council to erect and maintain buildings beyond the corporate limits.

SEC. 160. The council shall have authority to lay out, establish and enlarge, or vacate and discontinue, public grounds and parks within the city, and to improve, light and ornament the same, and to regulate the care thereof, and to protect the same and the appurtenances thereof from obstructions, encroachment and injury, and from all nuisances.

Authority to lay out, establish, enlarge, or vacate parks and public grounds.

#### SEWERS, DRAINS AND WATER COURSES.

SEC. 161. The council of the city may establish, construct and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds.

Sewers, drains, etc., council may construct.

SEC. 162. The cost and expense of establishing, constructing or maintaining any sewer, drain or ditch, may be assessed upon the city at large, or part upon the city at large and part upon the property benefited, or be wholly defrayed by special assessment upon the property benefited, as the common council may deem expedient. Whenever the common council shall determine to make a special assessment for the establishing, construction or maintenance of any ditch, drain or sewer, it shall be done by resolution or order, entered at large in its minutes, which resolution or order shall state the beginning, length, route and terminus of such ditch, drain or sewer, and what part of the costs and expenses shall be defrayed by special assessment upon the property benefited and a description of all the lands benefited thereby, which lands so described shall constitute the special sewer or assessment district for that purpose, which shall be numbered and thereafter be known and designated in all proceedings as "Sewer district number ———," giving the number designated in such order.

Cost and expense of sewers, how assessed.

SEC. 163. Special assessments for the construction of sewers shall be made by the board of assessors in the manner provided in this act for making special assessments.

Special assessments.

When council may require owners or occupant to construct private drains.

SEC. 164. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessments to be levied thereon.

Owners or occupants shall have the right to connect the same.

SEC. 165. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the council may prescribe.

Council may charge and collect from persons who are connected with public sewers.

SEC. 166. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessments thereon, or otherwise.

Amount of.

Expense of ditches and improving water courses, how defrayed.

SEC. 167. Such part of the expenses of providing ditches and improving water courses as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits.

Expense of repairs and reconstructing.

SEC. 168. The expenses of repairing public sewers, ditches and water courses may be paid from the general sewer fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

Council may enact ordinances for the protection and control of public drains and sewers.

SEC. 169. The council may enact such ordinances as may be deemed necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city.

#### STREETS AND PUBLIC GROUNDS.

Council to have control of all highways, streets, and public grounds.

SEC. 170. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city, and shall cause the same to be kept in repair and free from nuisance.

When city not to be responsible for care, improvement or repair of streets.

SEC. 171. But the city shall not be responsible for the care, improvement or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands, unless the dedication shall be accepted and confirmed by the council by an ordinance specially passed for that purpose. And the common council, in its discretion, may by ordinance establish a board of public works to have the supervision, care, oversight and control of all the labor and work laid out in and upon the streets, highways, avenues, alleys and public places of the city, and may prescribe its powers and duties. Said board of public works when so established shall have all such powers as are

Council may establish board of public works.

Power of.

commensurate with this act, as bestowed upon the common council, except as limited by the provisions of the ordinances establishing it, and shall consist of three members, who shall be appointed by the mayor with the approval of the common council. The first three members appointed shall decide by lot their terms of office, one of which shall be for one year, the next two years, and the last three years from the third Monday of April then next following, and until their successors have been appointed and qualified; and annually thereafter there shall be so appointed a member upon such board, to fill the place of the retiring officer.

First three members appointed to decide by lot their term of office.

SEC. 172. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate, or abolish any highway, street or alley in the city, whenever they shall deem the same a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement, except the amounts paid for private property taken for public streets, may be paid by special assessments upon the property adjacent to or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments; or in the discretion of the council, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance from the general street fund.

Authority of council to lay out, extend, straighten, vacate or abolish streets, alleys, and highways.

Private property, manner of taking for public use.

SEC. 173. The council shall have authority to determine and establish the grades of all streets, avenues, alleys, and public grounds within the city, and to require improvements and buildings adjacent to or abutting upon such streets, alleys or grounds, to be made and constructed in conformity with such grade; and the council may change or alter the grade of any street, alley, or public ground, or of any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the city clerk.

Authority of council to establish grades, to require buildings, etc., to conform to.

Record and diagram of, to be made.

SEC. 174. If any damage shall result to any owner by a change of the established grade of any street, alley, sidewalk, wharf, or landing, the council may, in their discretion, levy and collect the amount thereof by special assessment upon the lots benefited thereby, and therewith pay the same; but the city shall incur no liability by reason of anything in this section contained.

Damage arising from change of grade, etc., council may assess lots benefited to pay the same.

SEC. 175. The common council may regulate the use of the public highways, streets, avenues, parks and alleys of the city subject to the right of travel and passage therein, and may grant the right to any gas, telegraph or electric light company, either to lay gas pipes or conduits, in the said streets, highways, avenues, parks and alleys, or to erect and maintain electric light poles or towers, telegraph poles, or gas lamp posts, therein during the pleasure of the council, or to cause any electric light pole, telegraph pole, or gas lamp post to be removed from the streets, highways, avenues, parks or alleys of

Gas, telegraph, or electric light companies, council may grant right to lay pipes and erect poles for.

Power of council to grant franchise, not to exceed 20 years.

the city, whenever the council shall deem it necessary for any, each or all of such electric light poles, telegraph poles or gas lamp posts, to be removed therefrom, and a resolution adopted by a majority of the aldermen elect at any meeting of the council shall be deemed sufficient authority to authorize the marshal or street commissioner to remove the said telegraph poles, electric light poles, or gas lamp posts, from the streets, highways, avenues, parks or alleys. The council shall also have the power to grant a franchise for the use of the streets, highways, avenues and alleys of the city, subject to the rights of travel and passage therein, to any street railway or railroad company, to lay and operate its road for a period not exceeding twenty years, and subject to such conditions and restrictions as said common council shall by ordinance require.

#### PAVING AND IMPROVEMENTS.

Paving, power of council to improve and repair highways and streets.

SEC. 176. The council shall have power to grade, pave, plank, gravel, curb and otherwise improve and repair the highways, streets, avenues, lanes and alleys of the city; and for that purpose, and for defraying the expenses thereof, may divide the city into street districts. The term "paving" shall be deemed to include the construction of crosswalks, gutters and curbing.

Expense of improving streets, etc., how paid.

SEC. 177. Such part of the expenses of improving any street, lane or alley, by grading, paving, planking, graveling, curbing or otherwise, and of repairing the same as the council shall determine, may be paid from the general street fund or from the street district fund of the proper street district; or in part from each; or the whole, or such part of the expense of such improvement as the council shall determine, may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon that part of the street or alley so improved or proposed so to be; or constituted of lands fronting upon such improvements, and such other lands as in the opinion of the council may be benefited by the improvement.

Public grounds not taxable and fronting on improvements, apportionable amount of tax to be paid from general street fund.

SEC. 178. When expenses for any such improvements or repairs shall be assessed in a special assessment district, and there shall be lands belonging to the city, school buildings or other public buildings, or public grounds not taxable, fronting upon such improvement, such part of the expense of such improvements as in the opinion of the council or board of assessors making a special assessment would be justly apportionable to such public grounds, buildings, and city property, and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general street fund, or from the proper street district fund, or partly from each, as the council shall deem to be just, and the balance of such expenses shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement; or, if the special assessment district shall

include other lands not fronting upon the improvement, then upon all the lands included in such special assessment district, in proportion to estimated benefits resulting thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessments upon other lots, the council may assess such lot for such number of feet frontage as in their opinion will be just.

#### STREET REGULATIONS.

SEC. 179. The council shall have power to prohibit and prevent obstructions and incumbrances in, and encroachments upon, the public highways, streets and alleys of the city, and to remove the same; and to punish those who shall obstruct, incumber, encroach, or maintain any encroachments, upon or in any such highway, street or alley; and to require all such persons to remove such obstructions, incumbrance and encroachment.

Obstructions and incumbrances, council to have power to prohibit and remove.

SEC. 180. The council may provide for and regulate the planting of shade and ornamental trees in public highways, streets and avenues of the city, and for the protection thereof; and may light the streets and public places, and regulate the setting of lamps and lamp posts therein, and protect the same.

Planting shade and ornamental trees, lighting streets, setting lamps and lamp posts.

SEC. 181. The council may regulate the making of all openings in, and removals of, the soil of public streets, for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of the soil, except by express permission of the council, and at such time and upon such terms and regulations as they may prescribe. The council may, in its discretion, provide for and regulate the lighting of the streets, highways, avenues, parks, alleys and public places of the city, and may provide for the protection and safety of lamps and property used for or in connection with any system of lighting, and for the unobstructed operating of the same; and may employ suitable persons to superintend the same, and fix their compensation, and may enter into contract or contracts with any person, who shall give satisfactory security for such lighting, with gasoline, gas, oil, electricity, or any other illuminating substance, fluid or device for a period not to exceed five years, or the city may acquire, own, and operate any electric light plant, gas plant, or any other system for such lighting. The council may enact ordinances to fully carry into effect the powers in this section granted, and may provide that violators of the same shall be punished by fine or imprisonment, or by both such fine or imprisonment.

To regulate the making of openings, removal of soil for the laying of pipes and other purposes.

May employ superintendent or let by contract for the lighting of streets.

SEC. 182. The council may regulate the use of the public highways, streets, avenues and alleys of the city, subject to the right of travel and passage therein. They shall have authority

Council to prescribe the stands for vehicles kept for hire or used for transportation.

- To designate the place where loads of wood, hay and other articles may stand for sale.** to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use, or placing of signs, advertisements, or banners, awning posts and telegraph poles, in or over the streets; to prohibit immoderate riding and driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings, and gathering of crowds in the streets as may interfere with the lawful use thereof, or to render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, [cattle,] swine, dogs, geese, or other domestic animals or fowls in the streets, or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same, and to require and authorize the destruction of dogs found at large contrary to the ordinances of the city; to impose taxes upon dogs; to cleanse and purify the streets; and to prohibit, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets, as may be necessary to secure good order and safety to persons and property in the lawful use thereof; and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city as are conferred by law upon highway commissioners in townships.
- To prohibit immoderate driving.**
- To prevent the running at large of animals in the streets.**
- Nuisances.**
- Poll tax.** SEC. 183. The council shall have power to levy and cause to be collected in each year a poll or capitation tax upon every male inhabitant of the city, between the ages of twenty-one and fifty years, excepting active members of the fire department and such other persons as are exempted from the payment of such tax by the general law; and the council shall, by ordinance, prescribe the time and manner of assessing said tax and penalty for neglect or refusal to comply with the provisions of such ordinance, and may punish by fine not exceeding five dollars and costs of prosecution, or imprisonment not exceeding five days for the wilful violation of such ordinance. All taxes, moneys collected and fines received by the city pursuant to this section, shall be used exclusively for working and improving the highways, lanes, streets and alleys of the city.

## SIDEWALKS.

- Sidewalks, grade of, power of council to construct and maintain.** SEC. 184. The city council shall have control of all sidewalks in the public streets and alleys of the city, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to construct and maintain sidewalks and crosswalks in the public streets and alleys, and charge the expense thereof upon the lots and premises adjacent to and abutting upon such walks.

SEC. 185. The council shall have authority to require the owners and occupants of lots and premises to construct and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials, and manner of construction, and within such time as the council shall, by ordinance or resolution, prescribe.

Owner or occupants to construct sidewalks.

SEC. 186. The council shall also have power to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth, and other nuisances.

To remove snow and ice from sidewalks.

SEC. 187. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or to remove the snow, ice, filth therefrom, or to remove and keep the same free from obstructions, encroachments, incumbrances or other nuisances, or shall fail to perform any other duty required by the council in respect to sidewalks, within such time and such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be constructed or repaired at the expense of such owner or occupant, and the amount of all expenses incurred by the council thereby shall be levied as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk.

If the owner or occupant fail to comply, the council may cause the same to be done.

SEC. 188. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts, and of other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures, and excavations under the same; and to prohibit and prevent obstructions, incumbrances, or other nuisances upon the walk.

To regulate the placing of signs, awnings, etc., over sidewalks.

SEC. 189. If any owner, occupant or person in charge of any lot or premises shall neglect to repair any sidewalk in front of or adjacent to such premises or to remove any snow or ice therefrom or to keep the same free from obstruction or incumbrances in accordance with the requirements of the ordinances and regulations of the council he shall be liable to the city for the amount of all damages which shall be recovered against the city for any accident or injury occurring by reason of such neglect.

Sidewalk owners shall be liable to the city for all damages recovered for accidents caused by neglect to repair.

#### COST OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

SEC. 190. The cost and expense of the following improvements including the necessary lands therefor, viz.: For city hall and other public buildings and offices for the use of city officers, engine houses and structures for the fire department, for water-works, market houses and spaces, cemeteries and parks, watch houses, city prison and workhouses, lands appro-

Cost and expense of certain improvements, what fund to be paid from.

Special assessments.

priated for streets and rights of way, shall be paid from the proper general fund of the city. When by the provisions of this act the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting on and adjacent to or otherwise benefited by the improvement, such assessment may be made as in this chapter provided.

Board of assessors, who to consist of.

SEC. 191. There shall be a board of assessors for the purpose of making special assessments, consisting of the two supervisors of the city and the city attorney, whose compensation therefor shall be fixed by the common council. Special assessments shall be made by such board. If a member of the board of assessors shall be interested in any special assessment directed by the council, the council may appoint some other person who shall be a disinterested freeholder and elector of the city to act in his stead in making the assessment, who for the purposes of that particular assessment shall be a member of the board.

When the cost of repairs or improvements are to be made by special assessments council to so declare by resolution.

SEC. 192. When the council shall determine to make any public improvements or repairs, and defray the whole or any part of the costs and expenses thereof by special assessment, they shall so declare by resolution stating the improvement, and what part or proportion of the expenses thereof shall be paid by special assessment, and what part, if any, has been appropriated from the general funds of the city, or from such street district funds, and shall designate the districts or lands and premises upon which the special assessment shall be levied.

Before ordering improvements, or repairs, council to cause estimates of cost, plats and diagrams to be made.

SEC. 193. Before ordering any public improvement or repairs, any part of the expenses of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the city clerk for public examination; and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed by publication for two weeks at least in one of the newspapers of the city, and of the time when the council will meet and consider any objections thereto. Unless the majority of the persons to be assessed shall petition therefor, no such public improvement or work shall be ordered, except by concurrence of two-thirds of the aldermen elect.

To give notice by publication in newspapers.

When work shall be ordered.

What the cost of improvements shall include.

SEC. 194. The cost and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments and cost of construction. In no case shall the whole amount be levied by special assessment upon any lot or premises for any one improvement exceeding twenty-five per cent of the value of such lot or land, as valued and assessed for State and county taxation in the last preceding ward tax roll; any cost exceeding that per cent which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the city.



SEC. 195. Special assessments, to defray the estimated cost of any improvement, shall be levied before the making of the improvement.

Cost to be levied before making improvements.

SEC. 196. When any special assessment is to be made *pro rata* upon the lots and premises in any special district, according to frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors; and shall state therein the amount to be assessed, and whether according to frontage or benefits; and describe or designate the lots or premises, or locality constituting the district to be assessed.

When assessments are to be made *pro rata* according to frontage or benefit, council to direct board of assessors to make.

SEC. 197. Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, and the valuation thereof, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act, applicable to the assessment; and when such assessment is completed, they shall report the same to the council.

Board to make assessment roll.

SEC. 198. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed; unless on account of the shape or size of any lot, an assessment for a different number of feet would be equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement.

When assessments are according to frontage.

When according to benefits.

SEC. 199. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land, or premises which by the provisions of this act the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land in an assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person chargeable therewith, shall be reported to the council in such manner as the council shall prescribe.

Expense incurred on single lot or parcel not required to be assessed *pro rata*.

SEC. 200. The council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respect-

Council to determine amount, person, and the premises to be levied upon as special assessment.

ively, to be reported by the city clerk to the board of assessors for assessment.

Upon receiving report, board to make a special assessment roll.

SEC. 201. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy as a special assessment therein upon each lot or parcel of land so reported to them, and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the council.

When completed to be reported to council.

To be filed in the office of the city clerk and numbered.

Notice to be published.

SEC. 202. When any special assessment shall be reported by the board of assessors to the council, as in this chapter directed, the same shall be filed in the office of the city clerk, and numbered. Before adopting the assessment, the council shall cause notice to be published for two weeks at least, in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the council and board of assessors will meet to review the assessment. Any person objecting to the assessment may file his objections thereto in writing with the city clerk.

Council and board to meet and review assessment.

Council to correct if necessary and confirm.

SEC. 203. At the time appointed for that purpose as aforesaid, the council and board of assessors shall meet, and there, or at some adjourned meeting, review the assessment; and the council shall correct the same if necessary and confirm it as reported, or as corrected; or they may refer the assessment back to the board for revision; or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the city clerk shall endorse a certificate thereof upon the roll showing the date of confirmation.

When assessment is confirmed it shall be deemed final and conclusive, two-thirds vote required.

To constitute a lien.

SEC. 204. When any special assessment shall be confirmed by the council, it shall be deemed final and conclusive; but no such assessment shall be confirmed, except by the concurrence of two-thirds of the aldermen elect.

SEC. 205. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the persons to whom assessed, until paid.

May be divided and paid in five installments.

SEC. 206. Upon the confirmation of any special assessment the amount thereof may be divided into not more than five installments, one of which shall be collected each year at such time as the council shall determine, with annual interest at a rate not exceeding eight per cent.

Special assessments, when due.

SEC. 207. All special assessments, except such installments thereof as the council shall make payable at a future time as provided in the preceding section, shall be due and payable upon confirmation.

Installments, special roll to be made for each.

SEC. 208. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments included and assessed

therein. Such special rolls may be made and confirmed without notice to the persons assessed.

SEC. 209. Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment when confirmed shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or lands shall be according to such division.

When lots or land is divided, after assessment and before collection of.

SEC. 210. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitations prescribed for such assessments, make an additional *pro rata* assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

In case of insufficient or excess assessment.

SEC. 211. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessment has been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum, or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded the payment so made shall be applied upon the reassessment of said premises, and the reassessment shall to that extent be deemed satisfied.

When invalid by reason of irregularity, etc., council shall cause new assessment to be made.

Reassessments.

SEC. 212. No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceeding, might have been lawfully assessed thereon.

No judgment or decree, nor act of council vacating shall destroy or impair lien.

SEC. 213. Whenever any special assessment shall be confirmed and be payable, the council may direct the city clerk to report to the supervisor of each assessment district in which any of the lots and premises assessed in the special assessment roll are located, a description of such lots and premises as contained in said roll, with the amount of the assessments levied upon each, and the name of the owner or occupant against whom the assessment was made, and requiring said supervisor to levy the several sums so assessed, as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report said supervisor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax, in the assessment district tax

City clerk to report to supervisor of each district a description of lots and premises contained in roll.

On receiving report supervisors to levy the sum mentioned as a tax.

roll next thereafter to be made, in a column for special assessments, and thereupon the amounts so levied in said assessment district tax roll shall be collected and enforced with the other taxes in the assessment district tax roll, and in the same manner; and shall continue to be a lien upon the premises assessed, until paid, and when collected shall be paid into the city treasury.

Council may direct the assessment collected from the roll, instead of reporting to supervisors.

SEC. 214. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council, instead of requiring the assessments to be reported to the supervisor of the assessment district, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the city clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person; and that he deposit the moneys so collected in the city treasury, to the credit of the proper fund; and return said roll and warrant, together with his doings thereon, in sixty days of the date of such warrant.

May levy and collect by distress.

On receiving assessment roll and warrant, treasurer shall proceed to collect amount therein. Refusal or neglect to pay assessments.

SEC. 215. Upon receiving said assessment roll and warrant, the city treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the collector shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days notice of the time and place of such sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Treasurer shall place money collected by him in city treasury and file receipt with city clerk. To make return of assessment roll to city clerk.

SEC. 216. The city treasurer shall place the moneys collected by him in the city treasury, and file his receipt for the same with the city clerk. He shall also make return of said assessment roll and warrant to the city clerk according to the requirements of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

Warrant may be renewed if the council shall so direct.

SEC. 217. Said warrant may be renewed from time to time by the city clerk, if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrants shall have the same force, and the city

treasurer shall perform the same duties and make the like returns, as above provided. In case any assessment shall be finally returned by the city treasurer unpaid, as aforesaid, the same may be certified to the supervisor of the proper assessment district in the manner provided in section two hundred and thirteen, and shall then be reassessed with interest at the rate of ten per cent from the date of the confirmation of the assessment until the first day of February then next, in the assessment district tax roll, and be collected and paid in all respects as provided in section two hundred and thirteen of this act.

In case any assessment shall be returned by treasurer unpaid.

SEC. 218. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be *prima facie* evidence of the regularity of all proceedings in making the assessment, and of the right of the city to recover judgment therefor.

When assessments may be collected by suit.

SEC. 219. If in any such action it shall appear that by reason of any irregularities or informality, the assessment has not been properly made against said defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

In case of assessments not properly made.

#### APPROPRIATION OF PRIVATE PROPERTY.

SEC. 220. Private property may be appropriated for public use, in this city, for the purpose of opening, widening, altering, and extending streets, alleys and avenues; for the construction of bridges; for buildings and structures for the fire department; for public grounds, parks, market places and spaces, and for the improvement of water courses; for sewers, drains and ditches; for water-works, and for necessary public buildings, hospitals, pesthouses and public cemeteries. But such property shall not be taken therefor without the consent of the owner, unless the necessity for using the same and the just compensation to be made therefor shall be determined by a jury of twelve freeholders, residing in the city; nor shall any improvement, requiring the taking of private property, be made, except with the concurrence of two-thirds of all the aldermen elected to office. The council may, however, acquire such property by negotiation and purchase.

Taking private property for public use.

Two-thirds vote required.

SEC. 221. When the council shall deem it necessary to make any public improvement, requiring the taking or using of private property not acquired by purchase, they shall so

Council to declare by resolution property to be taken, what to describe.

declare by resolution, describing the proposed improvement and each parcel of land designed to be taken, by metes and bounds, giving the names of the owners or persons interested therein, so far as known; and shall, in the same resolution, designate a justice of the peace of the city to whom an application will be made at a time therein to be stated, for the impaneling of a jury, to ascertain the necessity of using said land, and the just compensation to be made therefor.

Certified copy to be filed with the justice of the peace.

Copy of notice to be served on the owner.

A return of the service of notice and resolution to be filed with the justice.

To summon a jury.

SEC. 222. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice of the peace, and notice of the time and place of making said application, including a copy of said resolution, shall be given by publishing the same for one week in one of the newspapers of the city, the first publication of which shall be at least thirty days before the time fixed for the application. And a copy of said notice and resolution shall be served personally by the city marshal or the sheriff of the county, at least two weeks before the time for said application, upon each owner and person interested in said lands, so far as known, and upon the guardian of any minor or incompetent person interested therein, if to be found in the city or elsewhere in the county; and if any such guardian, owner, or person interested in the premises shall not be found within the city or county, a copy of said notice and resolution shall be posted upon the premises to be taken, the same length of time before making the application. A return by the sheriff or city marshal of the service or posting of copies of said notice and resolution, which return shall be conclusive as to the matters therein stated, and an affidavit of the publication of said notice and resolution shall be filed with the said justice before or at the time of making said application. And after the publication and service of posting of said notice as aforesaid, the owners and all persons interested in any lands sought to be taken for said improvement, shall take notice of and be bound by all the subsequent proceedings without further notice, except as herein otherwise provided.

SEC. 223. At the time appointed therefor in said notice and resolution, or at such other time as the proceedings shall be adjourned to by said justice, he shall, upon the application of the city attorney, cause the city marshal or sheriff of the county to make a list of the names of twenty-four disinterested freeholders residing in said city, competent to serve as jurors. From said list the city attorney shall strike off six names, and the owner or owners and persons interested in said lands shall strike off six names, or, upon their failing to do so, the justice shall strike off such names for him and them, and thereupon the said justice shall issue a *venire*, directed to the city marshal or sheriff of the county, to summon the twelve persons whose names remain upon said list, to appear before said justice at a time and place in said *venire* to be named, not less than three nor more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolution, and shall then adjourn the further proceed-

ings in the matter to the return day of said *venire*. Said *venire* shall be served by the city marshal or sheriff, as in other cases of *venire*. Said jurors shall be liable for non-attendance the same as jurors summoned to appear in justices' court, and may be excused for the same causes as jurors in these courts.

SEC. 224. At the time of making the application to the justice for the impaneling of the jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian, or if no such guardian shall appear to represent such infant or incompetent person, the justice, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem*, to protect the interests of the persons for whom he is so appointed.

An infant or incompetent person may be represented by guardian.

SEC. 225. If on the return day of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the justice shall require the marshal or sheriff to summon immediately a sufficient number of other competent freeholders of the city, until a panel of twelve qualified jurors shall be obtained. Each party, and every person having an interest in any of the lands, shall have the right to challenge any juror for cause, and the justice shall determine as to the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolution, and if taken, to determine and award, to each person entitled thereto, the just compensation to be allowed for his or her interest in the land so taken.

If sufficient jurors do not attend, be excused or set aside, more shall be summoned.

SEC. 226. When the jury shall have been sworn, the city attorney shall deliver to them a copy of the said notice and resolution of the council, and a map or plat of the proposed improvement, showing the location and boundaries of each parcel of land sought to be taken, and its position in relation to adjoining lands. And any person claiming an interest in any of the lands sought to be taken, although not named in said resolution as an owner or party interested, may then file with the justice a statement of his interest in, and a description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

City attorney to deliver copy of notice, resolutions, map, plat, etc., to jury.

SEC. 227. The jury shall then, or at such other time as the justice shall direct, proceed to examine the premises sought to be acquired, and testimony may be produced before them under the direction of the court as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing the testimony the justice shall instruct the jury as to the provisions of this chapter relating to their duties.

Jury to examine premises to be acquired.

SEC. 228. The jury shall consider upon each parcel of land described in the resolution of the council separately. If they shall find it necessary to take the same for the purpose of said improvement, they shall determine and award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken, they shall estimate the whole damages occasioned thereby; and also any special and particular benefit

Jury to examine each parcel separately, and award compensation and damages.

resulting to the remainder of the premises from the proposed improvement, and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or parcel of land, as owners, mortgages, lessees or otherwise, they shall apportion to each share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to the estate.

Jury to make report of their determination and awards in writing.

SEC. 229. The jury shall make a report of their determinations and awards in writing. They shall describe therein, by metes and bounds, each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the whole amount of damages occasioned by taking the same, the amount deducted therefrom, if any, for special benefits resulting from the improvements to the remainder of the lot or premises from which the part appropriated is taken and the net amount awarded as damages and compensation therefor; the name of the owner, and of any persons having separate claims thereon, by mortgage, lease, or otherwise, to whom said damages are awarded and the amount awarded to each, and the date and description of any mortgage, lease or lien, by virtue of which claim is made. When conflicting claims are made to any damages awarded, the jury, without deciding between the claimants, shall report the fact, their names, and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the justice within ten days after the impaneling of the jury.

Report to be signed by each juror.

A disagreement on one or more parcels of land not to affect awards on which they have agreed.

SEC. 230. A disagreement of the jury, as to one or more distinct parcels of land, shall not affect the awards and reports in which they have agreed; and, upon any such disagreement, the justice may, upon the motion of the city attorney, impanel a new jury in the same manner as provided for drawing the original jury; and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree; and a new jury may, in like manner, be had as often as necessary. If any juror, during the course of the proceedings, shall be unable to discharge his duties, the justice may appoint another in his place, who shall have the like qualifications, and be sworn, and exercise the same duties as the other juror of the panel.

A copy of awards to be taken for use of the council.

Justice to enter judgment of confirmation.

SEC. 231. Upon filing the report and award made by any jury with said justice, a copy thereof may be taken by the city attorney, for the use of the council; and at any time thereafter, and within forty days after the impaneling of the jury making the report, the justice, upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and award shall be at an end, and a new jury and new proceedings may be had, as in the case of the disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such



judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom, within the time prescribed in the next section.

SEC. 232. Any party aggrieved by the judgment of confirmation mentioned in the preceding section may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county of Eaton, by filing with the justice a claim of appeal, in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein, and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond to the city, in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal.

Any party aggrieved may appeal to the circuit court.

SEC. 233. At the time of filing said claim of appeal the appellant shall present to the justice a statement, in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof and of the claim of appeal upon the city attorney who may propose amendments to said bill. Within ten days after said bill is presented, said justice shall if necessary, cause the same to be corrected, according to the facts of the case, and sign the same; and within ten days thereafter said justice shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal and said bill of exceptions, and file the same with said clerk of the circuit court.

To present a bill of exceptions, what to contain.

To serve a copy of the claim of appeal on the city attorney.

SEC. 234. Upon filing the return of the justice as mentioned in the preceding section, the circuit court shall have jurisdiction of the case; and upon the hearing thereof shall first consider the errors alleged in said claim of appeal, and if the proceedings are found invalid as to the party appealing, on account thereof, the court shall remand the case so far as affects the appellant, to said justice, and a new jury may be called and the like proceedings had as upon the original application for a jury; but the case shall not be reversed for matters of form, or for any errors, except errors in law. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term, upon the question as to the amount of damages to be awarded; but the finding of the jury before the justice as to the necessity of the taking of the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confir-

On filing return of the justice, circuit court shall have jurisdiction of the case.

When parties may proceed to trial the same term.

mation shall not in any way affect said judgment as to other persons interested therein who do not appeal.

On dismissal of appeal or rendition of judgment court shall confirm proceedings.

SEC. 235. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and rights of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least ten dollars more than the amount awarded to him before the justice, he shall pay costs to the city; otherwise the court shall award such costs to him as shall be just. In all cases where costs are awarded to the city, it shall be allowed to apply the costs and expenses taxed in its favor, and the same may be deducted from the damages and compensation, if any, to be paid to the parties so appealing or removing the case to the circuit court, and to have execution for the balance, if any there be, as in other cases.

Certified copy of any judgment of confirmation shall be presumptive evidence of the matter therein contained.

SEC. 236. Certified copies of any judgment of confirmation of the circuit court, or of the justice of the peace after the same has become final and of the report of the jury thereby confirmed, and records of such copies made in the records of the office of the city clerk, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired, and to confirm the same.

When council may pay damages awarded.

SEC. 237. When six months after the judgment of confirmation of the circuit court, or after the judgment of confirmation by the justice shall become final, the council may pay or render to the respective persons the several amounts of damage and compensation awarded to them, as finally confirmed. And in case any such person shall refuse the same, be unknown, or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case with a statement of the facts relating thereto, in the treasury of the city, to the credit of the person or persons entitled thereto, and the same shall be paid on demand to any person entitled to receive it. No delay in making any award of damages, or in taking possession of any property, shall be occasioned as to any doubts as to the ownership of the property, or as to the interest of the respective parties making claims thereto.

In case any person shall refuse the same, be unknown, non-resident, or not found, council may deposit in city treasury to their credit.

Upon payment, tender or deposit of the amount, the right to occupy the property shall be vested in the city.

A certificate of the city treasurer of such payment shall be presumptive evidence.

SEC. 238. Upon the payment, tender, or deposit mentioned in the preceding section, the fee of the land sought to be taken with the appurtenances, and the right to occupy the property sought to be used, shall vest in the city and the council may convert and use the same. A certificate of the city treasurer, of such payment, tender or deposit, or a record of such certificate in the records in the office of the city clerk, or a certified copy thereof, shall be presumptive evidence of the matters therein stated, and of the ownership of the city in the lands and property taken.

SEC. 239. In all cases where any real estate, subject to a lease or agreement, shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation in the circuit court, or upon the confirmation by the justice, when the same shall become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

In cases where real estate subject to lease or agreement shall be taken.

## FINANCE AND TAXATION.

SEC. 240. The fiscal year shall commence on the third Monday of March in each year, unless otherwise provided by ordinance.

Beginning of fiscal year.

SEC. 241. The common council shall have authority, within the limitations herein prescribed, to annually levy and collect taxes, upon all the taxable real and personal property within the city, which taxes shall be and remain a lien upon the property so taxed until the same is paid; and said council may by such taxation raise annually such sums of money as it may deem necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers in this act granted; and the making of the assessment roll, the assessing of the property, the spreading of the taxes, and the collection of the same shall in each year, within the city, be done in the same manner, and within the same time required by the general tax laws of the State for the assessment of property in the several townships of this State, and shall in all things be governed by, and conform to, as near as may be, the provisions of such general tax law, in all respects, except as herein otherwise provided. The total taxes for all purposes, exclusive of school tax, poll tax, special assessments, and such special taxes as are provided for in the next section, shall not, in any year, exceed one and one-fourth per cent of the real and personal property, within the limits of the city, according to the valuation thereof, as appears by the equalized assessment roll of the city for the preceding year: *Provided*, That nothing in this section shall be so construed as to change the classification or liability of agricultural and city property, as hereinbefore provided.

Council may raise annually by tax moneys necessary for the expenses of the city.

Total taxes not to exceed one and one-fourth per cent.

Provide.

SEC. 242. Whenever the common council, a majority of the members elect concurring, shall deem it necessary to raise a greater sum in any one year, exclusive of such school and poll tax, and such special assessments, than the amount specified and limited in the preceding section, they may call a meeting of the tax paying electors of said city, by giving at least five days' notice by publishing the same in one or more newspapers published in said city, and by posting in two public places in each ward of said city, which notice shall state the time and place of said meeting, the purpose for which the money to be raised is to be expended, and limit the amount to be raised for each purpose, and when such meeting shall be assembled in pursuance of such notice, such electors, by a *viva voce* vote, shall determine what amount of money shall be raised for each

When a greater amount may be raised and how.

Proviso.

object specified in the notice: *Provided*, That such tax so voted by such electors shall not, in any one year, exceed one per cent of the valuation of the real and personal estate taxable within said city, as equalized the preceding year: *And provided also*, That not more than two such meetings shall be called or holden in any one year, and at all such meetings the mayor, or, in his absence, any member of the common council present at such meeting, shall preside, and the recorder shall make and keep a report of the proceedings of such meeting.

Whenever council shall be authorized to raise tax for specific purpose it shall direct supervisors to make assessment roll.

SEC. 243. Whenever the common council shall be authorized as aforesaid, by a vote of the tax paying electors of said city, to raise a tax for any specific purpose, it shall be lawful for the common council to direct the supervisors to make out assessment rolls in the premises, for their respective assessment districts, levying and assessing said tax upon the taxable property of said city, according to its true cash value at the time, placing the tax in a column opposite the description and valuation of the property; and when such roll is completed, the city clerk shall make and deliver a copy thereof to the treasurer of said city, together with a warrant signed by the mayor and city clerk, commanding the said treasurer to collect the same and make return of his proceedings by virtue thereof, within a time in said warrant to be specified, not less than thirty nor more than ninety days from the date thereof; and it shall be the duty of the treasurer to collect said taxes, and make return thereof, within the time specified in said warrant, or within such further time as the common council may by resolution direct, in the same manner as the annual State and county taxes are collected and returned. Such special tax shall be a lien upon all the property so taxed until the same is paid, and all lands upon which any unpaid tax shall be returned, shall be sold therefor, the same as lands returned for delinquent taxes by township treasurers.

When roll is completed city clerk shall make and deliver copy thereof to the treasurer.

Duty of treasurer to collect said tax.

The city to be divided into two assessment districts.

Territory, first district.

Second district.

SEC. 244. The city shall for the purposes of taxation, be divided into two assessment districts, one of which shall be and is hereby designated as the "first assessment district," and is comprised of the first and fourth wards of the city; and the other of which is likewise designated as the "second assessment district," and is composed of the second and third wards of the city, the center line of Cochrane avenue being the dividing line between them.

Supervisors to arrange property in two classes on assessment rolls.

SEC. 245. It shall be the duty of the supervisors in their respective assessment districts, in making an assessment roll therefor, either for the purpose of raising a special or general tax, to arrange the lands and property upon said rolls in two distinct classes. One class shall comprise all farms, woodlands, meadows, pastures, swamp or marsh lands, if the same are not platted into city lots, and all parcels of land not platted into lots, of not less than five acres, that are held and used exclusively for agricultural purposes, within the city limits, to be known and designated as agricultural property, and all other property within the city shall be classified as city property. The agricultural property shall not be liable to pay taxes for

building or repairing sidewalks or crosswalks upon lands classified as city property, nor for wells, reservoirs, water-works, fire engines, engine houses, police force, nor for any purpose specially for the benefit of the city property, but taxes for these purposes shall be spread only upon the city property. Taxes for State, county, school, library, highway purposes, for payment of the salaries of city officers and for all other purposes shall be spread upon all the property of both classes.

Property not liable for certain taxes.

SEC. 246. The supervisors shall submit this classification of the taxable property of their respective assessment districts to the board of review herein provided for, to review the said assessment rolls on the first day hereinafter provided for their meeting; and all persons aggrieved by such classifications may be heard by said board, and said board of review shall hear any and all complaints and shall proceed to review, revise, correct, or confirm such classification of property, and the said board of review shall have power to classify any suburban residence as agricultural property; and it shall have power to classify as city property, such lands contiguous to or surrounded by the built up portion of the city, and such lands, as in its opinion, have become more valuable for building or city purposes than for agricultural purposes, which in the opinion of the board of review ought to be taxed as city property. After said review day, a certificate of said board of review, that said property has been classified as appears on the roll, shall be final and conclusive for the purposes of that roll.

To submit this classification to the board of review.

Power of board to classify certain property.

SEC. 247. The board of review for reviewing the assessment rolls of the city and classification of property thereon, shall consist of the two supervisors and the city attorney herein provided for and one resident, freeholder elector from each assessment district, to be appointed by the council on or before the second Monday of May of each year, who shall hold their office for one year, and the sessions of the board shall be held at the common council rooms in said city, beginning on the Tuesday following the third Monday of May of each year, for the general assessment, and continuing until the rolls are made uniform and completed, not exceeding fifteen days' actual session, and to be completed on or before the twenty-fifth day of June next following. Said board shall elect a chairman and clerk who shall certify to the correctness of the rolls when completed, and the proceedings thereof shall be conducted as near as may be substantially as provided for like boards of review in townships, and all the provisions of the general laws of the State relating to such boards of review of assessment rolls as to their powers and duties shall be applied to the board of review herein constituted: *Provided*, That at any time other than the one in which said board reviews the general assessment rolls when, under the provisions of this act, it shall be necessary for said board to meet to review any special assessment roll, at least five days' notice of such meeting, and its purpose shall be given by publishing in at least one newspaper published in said city.

Board of review, who to consist of.

Sessions of the board, when and where held.

To elect a chairman and clerk who shall certify rolls when completed.

Provided.

All taxes directed to be apportioned to the respective districts shall be *pro rata* according to valuation.

SEC. 248. All State, county, school, city or other taxes that shall be directed by the board of supervisors, or other lawful authority, to be apportioned or levied upon the taxable property of the city of Charlotte, when the aggregate is ascertained, shall be apportioned to the respective assessment districts thereof, *pro rata* according to the valuation as shown and appearing by the assessment rolls as completed by the board of review.

Council by resolution to estimate amount of money to be raised by tax for the year.

SEC. 249. The common council shall, on or before the first Monday of October in each year, by resolution estimate and determine the amount of money to be raised by tax, for that year, and the purposes for which it shall be raised, and the city clerk shall certify to the supervisors all orders, resolutions, judgments, or other matters authorizing or directing the levying of any tax, which may be in his office, which said supervisors shall submit to the board of supervisors of said county of Eaton, in like manner, and to be considered and acted upon in the same way in all respects, as like matters are treated under the general laws relating to townships: *Provided*, The common council may, in its discretion, provide for the assessing and paying of all general city taxes, in the fore part of the year, in the manner following:

Proviso.

Council authorized to estimate sums to be raised by tax for all city purposes.

SEC. 250. The common council is hereby authorized and empowered to make in the first week in June, of each year, the annual estimate for all sums to be raised by general taxes, for all city purposes, and order, by resolution, that the same shall be assessed, and spread forthwith, and such order shall specify the purposes and amounts for which the same shall be so assessed, and the same shall be certified to the several supervisors of the city on or before the second Monday of June.

Supervisors to proceed and assess on receiving certificate of taxes.

SEC. 251. On receiving the certificate of taxes to be so assessed, the several supervisors shall proceed and assess and spread such taxes upon the property liable therefor, upon their assessment rolls for that year, and shall make and execute a tax roll in the same manner, in all respects, as is provided in this act for the assessing and spreading of the State, county and school taxes; and shall deliver the several tax rolls, with said city taxes so spread upon them, to the city treasurer on or before the first Monday of July following. Such city taxes shall become and remain, until fully paid, a lien upon the property upon which they are so assessed, from the said first Monday of July, and take precedence over all and any other liens, incumbrances or conveyances.

To deliver tax rolls to treasurer on or before first Monday in July.

Treasurer to be in his office every Saturday in July to receive taxes.

SEC. 252. On receiving such tax rolls, the treasurer shall proceed to collect such taxes. He shall remain in his office, in some convenient place in the city, on every Saturday in the month of July, from nine o'clock a. m., until six o'clock p. m., to receive such taxes. He shall, however, receive such taxes upon any week day in said month of July, and up to the first Monday in August, when they may be offered, and all sums voluntarily paid, before the first Monday in August, he shall add one per cent for his collection fees. In case he may be apprehensive of the loss of any personal tax, assessed upon his

To receive taxes on every week day if offered.

roll, he may proceed to enforce its collection, at any time after receiving such tax rolls, and before the first Monday in August; and if compelled to seize property or to bring suit, during this time, may add four per cent for collection fees, and when taxes are assessed on property occupied by tenants, or tenants paying rental therefor, and he is assessed as occupant of said premises, the said tenant or tenants shall be liable for said taxes assessed on said property, after the time said tax rolls are delivered to the city treasurer, but not for more of the same, than the amount of the rental may be, while said tax rolls are in the hands of the treasurer, and which becomes due to the owner during such period, and may be collected in the same manner, as provided for the collecting the same from persons owning and occupying their own property; and said treasurer shall notify all such persons occupying all rented property, or so far as he may know of the same, as soon as the tax rolls are delivered to him, by written notice, and shall note said notice and the date thereof against the description of said property on said rolls. During this period from the first Monday in July to the first Monday in August, the treasurer shall not proceed to collect any other taxes, than such personal taxes as he may be apprehensive of losing, by distress or sale, but shall receive such taxes as shall be voluntarily paid; but he may proceed to advertise and sell such property as he is empowered by this section to seize during this period, at any time within ten days next after the first day of August. On the first day of August, he shall return said tax rolls to the respective supervisors, from whom he received the same, and all such taxes appearing upon said tax rolls remaining unpaid on the first Monday of August shall remain thereon and stand over for collection until December following, and four per cent shall be added as collection fees to all such city taxes, as are not paid before said first Monday in August, and the respective city supervisors shall receive said tax rolls and at the time and in the manner herein provided for the assessing and spreading of State, county and school taxes, shall proceed and complete said tax rolls by spreading all of the additional taxes in this act provided for being spread at that time, and the tax roll as thus completed shall be delivered to the city treasurer on or before the first day of December, and all the taxes as then appearing on the tax rolls as unpaid shall be collected with all the rights and remedies and under the same rules of procedure in relation to delinquent taxes, and in all other respects as is provided by this act, and the general laws of the State for the collection of State, county and school taxes.

**Sec. 253.** The supervisors shall, within the time which supervisors of townships are required to perform like acts, deliver to the city treasurer the tax roll, the taxes therein extended, with the usual supervisor's warrant to the treasurer of the city of Charlotte, and the said treasurer shall, in the collection of such taxes, possess, in the premises, all the powers the township treasurers have in like matters.

Cases where collections may be enforced.

If compelled to bring suit, four per cent may be added for collection fees.

Where tenants are liable for taxes, treasurer to give notice to.

Treasurer not to collect by distress and sale during this period other than personal taxes he may be apprehensive of losing.

Four per cent to be added to all taxes not paid before first Monday in August.

Supervisors to deliver tax roll to the city treasurer.

All provisions of the law respecting delinquent taxes levied in townships shall apply to taxes levied in the city.

SEC. 254. All the provisions of the laws of the State of Michigan, respecting delinquent taxes levied in townships, shall apply to all taxes levied in this city, and be returned as delinquent to the county treasurer, and the city in respect to taxes levied therein and returned to the county treasurer as delinquent, shall, except as herein otherwise provided, be considered and treated as a township, and all provisions of law for the sale of lands for the collection and payment of taxes levied for State, county, school and township purposes, and returned delinquent, shall apply to the return and sale of property for the non-payment of delinquent taxes levied in this city, except as herein otherwise provided.

Supervisors to confer together for purpose of assessing all property equally.

SEC. 255. For the purpose of assessing all property equally in the whole city the supervisors shall confer together from time to time while making their assessments, and equalize their valuations as may be just, and they and the board of review of such assessments shall make all assessments as equal according to value as they can.

Supervisors to levy and place in separate columns as marked for the purposes, the amounts certified by the clerk of the board.

SEC. 256. Each supervisor at the time when he shall be required to levy the State and county taxes, shall levy in the same roll, upon all the taxable property of the city, the amounts certified to him by the clerk of the board of supervisors as provided by law, to be raised for city, school, library and other purposes, placing the city taxes which are to be raised upon both city and agricultural property in one column called city tax, and all city taxes to be raised upon city property alone in a column marked "city property tax," and the State, county, school, library and dog taxes in separate columns; and he shall also levy in the same roll upon the lands, property and persons chargeable therewith, all special or local assessments and sums certified to him by the city clerk or other lawful authority for assessment, placing all taxes in a column of special assessments, naming the purpose. The amount of the several taxes so levied upon each valuation shall be carried into the last column of the roll.

City treasurer to collect taxes, make return thereof in the same time township treasurers are required to. To receive the same fees.

SEC. 257. It shall be the duty of the city treasurer to collect the taxes therein, and make return thereof in like manner and in the same time as is required of township treasurers, and with like effect; and he shall receive the same fees for collecting taxes as are or hereafter may be allowed by law to township treasurers for like services, and such further compensation as may be allowed by the common council, and may add to the taxes the collection fees allowed and prescribed by statute, in the same cases and with like effect as township treasurers may in townships. In all matters relating to taxation, not in this act specially provided for, the procedure shall be in all respects under and by virtue of, and in conformity with the general tax laws of the State, as they may now or hereafter exist, as applied to townships.

All procedure to conform to the general tax law.

Power of the council to borrow money for public improvements.

SEC. 258. The common council shall have power to borrow money for the necessary expenses and public improvements of the city, and to provide for the making necessary repairs and expenditures, the necessity for which is caused by casualty or



accident, happening after the annual estimates for the year are made: *Provided*, That the common council shall not have authority to borrow more than five thousand dollars in any one year, and the amount of indebtedness existing at any one time under this power, principal and interest, shall not exceed the sum of six thousand dollars, unless the question of raising a greater sum shall have been first submitted to the qualified electors of the city at its annual election, or at a special election called by the council for that purpose, and a majority of the qualified electors thereof voting at such election shall vote by ballot for the same. The city may contract a bonded indebtedness of not to exceed forty-five thousand dollars for water-works, thirty thousand for a lighting system, and thirty thousand for all other purposes.

*Provide.*

Amounts and purposes for which city may contract bonded indebtedness.

SEC. 259. No loans shall be made by the council or by its authority, or be binding against the city, exceeding the amounts prescribed in this act. For any loans lawfully made under the provisions of this act, a majority of the aldermen elect concurring, the bonds of the city may be issued bearing the legal rate of interest. A record showing the dates, numbers and amounts of all bonds issued, and when due, shall be kept by the city clerk. When deemed necessary by the council to extend the time of payment new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not increase the indebtedness of the city. Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable. No bond or other obligation, or evidence of indebtedness of said city, shall ever be given or issued by said city, or by any officer thereof, in his official capacity, whereby the city shall become obliged to pay any sum of money, except as expressly provided by law, and if any such be so issued, the same shall have no binding effect against the city. But the common council may endorse on all accounts, which may be presented against the city, the amount allowed by it thereon. No money shall be drawn from the treasury except in pursuance of the authority and appropriation of the council, and upon the warrant or order of the clerk, countersigned by the mayor. Such warrant or order shall specify the fund from which it is payable, and shall be paid from no other fund. No warrant or order shall be drawn upon the treasury, after the fund from which it is to be paid has been exhausted; nor when the liabilities outstanding, and previously incurred and payable from such fund, are sufficient to exhaust it. Any warrant, draft or contract, payable by the provisions of this act from any particular fund, excepting bonds given for loans herein authorized, and issued or made after such fund has been exhausted by previous payments or by previous liabilities payable from such fund, shall be void as against the city.

No loans shall be made by the council or be binding exceeding the amount prescribed by this act. A majority of the aldermen elect concurring, bonds may be issued.

Bonds, what to show.

Money, how drawn from the treasury.

No warrant or order to be drawn on the treasurer after the fund from which it is to be paid is exhausted.

SEC. 260. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the corporation or any board thereof, to his own use, or

Misfeasance in office, when an officer shall be deemed guilty of.

Penalty for.

The council, a majority elect concurring, shall have power to make by-laws, etc., relative to special assessments. —  
 Previse.

shall, directly or indirectly, and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property may have been appropriated, raised or received, or to any purpose not authorized by law, he shall be deemed guilty of wilful and corrupt malfeasance in office, and may be prosecuted, tried and convicted therefor, and, on conviction, may be punished by fine, not exceeding one thousand dollars, or by imprisonment in the State Prison for a period not exceeding three years, or both, in the discretion of the court.

The net proceeds of all sales for delinquent city taxes, etc., to be paid the city treasurer whenever required.

SEC. 261. The common council, a majority of the members elect concurring, shall have the power to make all such by-laws and ordinances, relative to any special assessment or tax in said city, as they may deem necessary to levy and collect tax, in all cases when the manner of levying and collecting such tax is not provided in this act: *Provided*, That such by-laws and ordinances are not inconsistent with any of the provisions of this act: *And provided also*, That whenever any person shall be improperly designated as the owner or occupant of any lot or premises, in proceedings under this act, or any of the by-laws and ordinances of said city relative to any general or special assessment, the assessment shall not for that cause be vitiated, but the same shall be a lien upon such lot or premises, and as such lien shall be collected, as in other cases.

SEC. 262. The net proceeds of the sale of all property delinquent for non-payment of city taxes, and any taxes belonging to the city, and of all sums paid to the county treasurer before sale, on account of property returned delinquent for non-payment of such taxes, shall be paid to the treasurer of said city, by the treasurer of the county of Eaton, whenever required by the city treasurer.

#### FIRE DEPARTMENT.

Power of council to enact ordinances, etc., to guard against fires.

To establish and maintain fire department.

To purchase and provide suitable fire engines and apparatus.

SEC. 263. The council of this city shall have the power to enact such ordinances, and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damages and accidents resulting therefrom; and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employés, firemen and officers thereof; and for the care and management of the engines, apparatus, property and buildings pertaining to the department; and prescribing the powers and duties of such firemen, employés and officers.

SEC. 264. The council may purchase and provide suitable fire engines, and such other apparatus, instruments, and means for the use of the department as may be deemed necessary for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds, and other

suitable places in the city; and make all necessary provisions for a convenient supply of water for the use of the department.

SEC. 265. The council may also provide, or erect, all necessary and suitable buildings for keeping the engines, carriages, teams and fire apparatus of the department.

Council may provide buildings for fire engines and apparatus. The engineer of the fire department to be chief of the department.

SEC. 266. The engineer of the fire department shall be chief of the department, and subject to the direction of the mayor, shall have the supervision and direction of the department, and the care and management of the fire engines, apparatus and property, subject to such rules and regulations as the council may prescribe. And the council may appoint such assistant engineers and other officers of the department as may be necessary.

SEC. 267. The fire engineer, mayor, chief of police, and any alderman or officer of the fire department, may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished; and in addition thereto, he shall be punished in such manner as may be prescribed by the ordinances of the city.

Who may command the assistance of persons present to aid in the extinguishment of fires. Persons wilfully disobeying such lawful requirements may be arrested and confined.

SEC. 268. The council may provide by ordinance for the appointment of, and may appoint such number of fire wardens as may be deemed necessary and for the examination by them, from time to time, of the stoves, furnaces and heating apparatus and devices in all the dwellings, buildings, and structures within the city, and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition.

Council may provide for and appoint fire wardens.

SEC. 269. The council may prescribe by ordinance from time to time, limits or districts within the city, within which wooden buildings and structures shall not be erected, placed or enlarged; and to direct the manner of constructing buildings within such districts, with respect to protection against fire and the material of which the outer walls and roofs shall be constructed.

Council may prescribe limits within the city in which wooden buildings and structures shall not be erected.

SEC. 270. The council may also prohibit within such places or districts as they shall deem expedient, the location of shops; the prosecution of any trade or business; the keeping of lumber yards; and the storing of lumber, wood, or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils, and other combustible and explosive substances, and the use of lights in buildings; and, generally, may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

Council may prohibit within such districts location of shops, prosecution of any trade or business.

SEC. 271. Every building or structure which may be erected, placed, enlarged or kept, in violation of any ordinance or regulation made for the prevention of fires, is hereby

Buildings in violation of ordinance declared a nuisance.

declared to be a nuisance, and may be abated or removed by the direction of the council.

Compensation of officers, firemen and employees.

SEC. 272. The officers, firemen and employes of the department shall receive such compensation as the council may prescribe; and during their term of service shall be exempt from serving on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person or property in consequence of the performance of his duty at any fire.

The engineer in charge with concurrence of mayor or two aldermen may cause any building pulled down to arrest progress of fire.

SEC. 273. The engineer in charge of the department at any fire, with the concurrence of the mayor, or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire, and no action shall be maintained against any person or against the city therefor; but if any person having an interest in the building shall apply to the council within three months after the fire, for damages or compensation for such building, the council may, in their discretion, pay him such compensation as may be just. They may ascertain such damages by agreement with the owner, or by the appraisal of a jury, to be selected in the same manner as in case of juries to appraise damages for taking private property for public use; and the council may cause the amount of any damages determined upon to be defrayed by a special assessment upon the property which in their opinion was protected or benefited by the destruction of such building; but no damages shall be paid for the amount of any loss which would probably have occurred to such if it had not been pulled down or destroyed.

When council may pay damages for such buildings.

May cause amount of damage defrayed by special assessment on property benefited.

Fire department to continue on unchanged in its organism.

SEC. 274. The fire department as now organized, officered and equipped in the city of Charlotte, shall continue on under this act unchanged in its organism, by this act of reincorporation, until it shall be changed by the common council acting under the provisions of this act; but said department shall be in all things subject to the provisions of this act from the date the same takes effect.

Shall be in all things subject to the provisions of this act.

#### PUBLIC LIBRARY.

The public library and reading rooms to continue unchanged in its organism by this act. Directors to continue in office for the time they were appointed.

SEC. 275. The public library and reading room, heretofore established by the common council of the city of Charlotte, shall be and the same is hereby continued with its organism unchanged by this act, and the directors thereof shall continue in office for the time they were respectively appointed, as officers of this corporation, the same as though appointed after this act takes effect. The city shall be entitled to its apportionment of all penal fines of the county, and other library moneys, for the use of the public library and reading room, the same as if it were a township.

## MISCELLANEOUS.

**SEC. 276.** All process against the city shall run against the city in the corporate name thereof, and may be served by leaving a certified copy with the mayor, city clerk or city attorney, at least ten days before the day of appearance mentioned therein.

Process against the city, how to run and how served.

**SEC. 277.** No lands or premises shall hereafter be laid out, divided and platted into lots streets and alleys within the city except by permission and approval of the council by resolution passed for that purpose; [nor] not until the proprietor shall file with the city clerk a correct survey, plan and map of such grounds and the subdivisions thereof platted and subdivided as approved by the council and made to their satisfaction; showing also the relative positions and location of such lots, streets and alleys with respect to the adjacent lots and streets of the city; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in any office of register of deeds until a certificate has been endorsed thereon by the city clerk, under the seal of the city, showing that such plat and dedication has been approved by the council; nor shall the city by reason of such approval be responsible for the improvement, care and repairs of such streets and alleys, excepting such as the council shall accept and confirm by ordinance as hereinbefore provided.

No lands or premises shall hereafter be laid out and platted into lots, streets and alleys except on approval of the council.

Proprietors shall file with the city clerk a correct survey, plan and map of such grounds.

**SEC. 278.** The common council of said city is hereby authorized and required to perform the same duties, in and for said city, as are by law imposed upon the township boards of the several townships of this State, in reference to schools, school taxes, county and State taxes, and the support of the poor. The mayor and recorder shall certify to the county clerk the list of names of persons for jurors, in the same manner as is required for the return of jurors from townships. Said common council shall also have the same powers to act in concert with the officers of adjoining townships, in regard to drainage, as are now or may hereafter be provided by law for the proper officers of adjoining townships, under the general drain laws of the State.

Council authorized and required to perform the same duties for the city as township boards for the township in reference to schools, taxes, and the support of the poor.

The mayor and recorder to certify to the county clerk the list of names of persons for jurors.

**SEC. 279.** In all suits or other proceedings under this act, in which the said city of Charlotte shall be interested, no inhabitant of said city shall be deemed incompetent as a witness or juror, on account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has in common with the inhabitants of said city.

In all suits or proceedings in which the city shall be interested, no inhabitant shall be deemed incompetent as a witness or juror.

*Provided*, This act shall be deemed a public act.

**SEC. 280.** This act shall be deemed a public act, and shall be favorably construed by all courts.

Act repealed.

**SEC. 281.** Act number two hundred fifty of the session laws of Michigan, for the year eighteen hundred seventy-one, entitled "An act to incorporate the city of Charlotte," approved March twenty-ninth, eighteen hundred seventy-one, and all amendments thereof, are hereby repealed.

This act is ordered to take immediate effect.

Approved April 17, 1895.

## [ No. 380. ]

AN ACT to authorize the common council of Bay City to borrow money with which to pay certain water-works bonds heretofore issued.

Authority to  
borrow money  
for the purpose  
of paying cer-  
tain water-works  
bonds.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Bay City shall have power and authority during the years eighteen hundred ninety-five and eighteen hundred ninety-six to borrow by loan such sum or sums, not exceeding forty thousand dollars, as said council shall deem necessary for the purpose of paying certain water-works bonds heretofore issued by said city of Bay City, and which mature and become due during the years eighteen hundred ninety-five and eighteen hundred ninety-six.

Bonds.

SEC. 2. Said loan or loans shall be secured by bonds of the city payable at such times, not less than ten years after the date of their issue, and shall bear such rate of interest, not exceeding five per cent per annum, as said common council shall determine. The said bonds shall be endorsed, "Bay City Water-works Bonds," and numbered consecutively; and no sale thereof shall be negotiated at less than face value or par. The proceeds derived from the sale of said bonds shall be paid to the city treasurer, and by him placed to the credit of a fund to be known as the water-works bond fund; and such proceeds shall be paid out on warrants drawn and executed in all respects as provided in section forty-eight of the charter of said city. No appropriation or payment out of said fund shall be ordered by the common council or made except for the purposes herein specified.

Water-works  
bond fund.

This act is ordered to take immediate effect.

Approved April 17, 1895.

## [ No. 381. ]

AN ACT to amend section four of chapter one; sections one and seven of chapter two; sections one, three and five of chapter three; section two of chapter four; section five of chapter five; section six of chapter six; sections six, twelve, thirteen, fourteen, fifteen, twenty-three, twenty-seven, thirty-four, thirty-five, thirty-seven, forty-five, forty-eight, fifty-five, fifty-six and sixty of chapter seven; sections one and three of chapter eight; sections one, four, seven, ten and thirteen of chapter nine; sections one, two, five, seven, ten and fifteen of chapter ten; sections one, nine, ten and twelve of chapter eleven; sections one, three, six, seven, nine, fourteen and nineteen of chapter fifteen; sections eight, eleven and fifteen of chapter sixteen; sections one, two, ten and thirty-three of chapter seventeen, and to add a new section to chapter nine to be known as section nineteen,

and to add a new section to chapter ten to be known as section seventeen, and to add a new section to chapter eleven to be known as section thirteen, and to add a new chapter thereto to be known as chapter twenty-two, and to repeal sections twenty-nine, thirty, thirty-one, thirty-two of chapter fifteen, and sections one, two, three, four and five of chapter twenty-one, of act number three hundred ninety of the local acts of eighteen hundred eighty-five and the amendments thereto, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeenth, eighteen hundred eighty-five.

**SECTION 1.** *The People of the State of Michigan enact,* Sections amended.  
That section four of chapter one, sections one and seven of chapter two; sections one, three and five of chapter three; section two of chapter four; section five of chapter five; section six of chapter six; sections six, twelve, thirteen, fourteen, fifteen, twenty-three, twenty-seven, thirty-four, thirty-five, thirty-seven, forty-five, forty-eight, fifty-five, fifty-six and sixty of chapter seven; sections one and three of chapter eight; sections one, four, seven, ten and thirteen of chapter nine; sections one, two, five, seven, ten and fifteen of chapter ten; sections one, nine, ten and twelve of chapter eleven; sections one, three, six, seven, nine, fourteen and nineteen of chapter fifteen; sections eight, eleven and fifteen of chapter sixteen, sections one, two, ten and thirty-three of chapter seventeen of act number three hundred ninety of the local acts of eighteen hundred eighty-five and the amendments thereto, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeenth, eighteen hundred eighty-five, be and the same are hereby amended so as to read as hereinafter set forth, and that there be added thereto a new chapter to stand as chapter twenty-two, and three new sections to stand as section nineteen of chapter nine, section seventeen of chapter ten, and section thirteen of chapter eleven, and that sections twenty-nine, thirty, thirty-one and thirty-two of chapter fifteen, and sections one, two, three, four and five of chapter thirty-one of said act, as amended by the acts amendatory thereof, be and the same are hereby repealed. Said amended sections and said added chapters and sections to read as follows:

## CHAPTER I.

**SEC. 4.** The city of Port Huron shall be divided into ten wards. wards and the boundaries of which shall be fixed and determined by the common council, but the boundaries of the wards of said city shall remain as now fixed until changed by ordinance or resolution of the common council.

## CHAPTER II.

Officers to be elected.	<p><b>SECTION 1.</b> The following officers of the corporation shall be elected on the general ticket at the annual city election in said city by the qualified voters thereof, to wit: A mayor, city clerk, treasurer and one member of the board of estimates, who shall hold their respective offices for the term of two years and until their successors are elected and qualified; and in each ward there shall be elected by the qualified electors thereof, one alderman and one member of the board of estimates, each for two years, and one constable for one year: <i>Provided</i>, That when it becomes necessary by reason of the change of boundaries of any ward to elect two aldermen, one alderman shall be elected for one year and one for two years. The aldermen of said city shall each receive, to be paid out of the city treasury, the compensation of five dollars for each and every regular meeting actually attended by them. It shall be the duty of the city clerk to file with the controller of said city on the morning succeeding each regular meeting of the council a statement showing the names of the aldermen attending such meetings. The office of supervisor as heretofore existing under the provisions of this charter is hereby abolished: <i>Provided</i>, That the supervisors now in office in said city shall continue to exercise the duties thereof until the first day of January, eighteen hundred ninety-six. The aldermen of the several wards of the city whose term of office shall soonest expire and the mayor and city attorney of said city shall, in addition to the other officers already authorized under said charter, represent said city and the several wards thereof upon the board of supervisors, and shall perform all the duties pertaining to supervisors of townships upon said board not inconsistent with the other provisions of this charter; and they are hereby vested with all the powers and duties of supervisors as members of said board, and shall attend all sessions thereof: <i>Provided</i>, That the provisions of this section in so far as they relate to the aldermen of said city shall not become operative until the first day of January, eighteen hundred ninety-six.</p> <p><b>SEC. 7.</b> No person shall be elected or appointed to any office under this act unless he be a citizen of the United States and able to read and write the English language intelligently.</p>
Term of office.	
Proviso.	
Compensation of aldermen.	
Proviso.	
Proviso.	
Must be a citizen of the United States and able to read and write the English language.	

## CHAPTER III.

Registration and elections.	<p><b>SECTION 1.</b> The registration of [voters] votes shall be had and made in accordance with the general laws of the State of Michigan in force at the time of such registration: <i>Provided</i>, That the time for holding such registration shall be on the second Thursday, Friday and Saturday next preceding the time of holding the election. A general reregistration shall be made in the year one thousand eight hundred and ninety-six and every four years thereafter in time for the general charter elec-</p>
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tion of that year, and such reregistration shall be according to the general laws of this State then in force, except as to the time, which is herein otherwise provided, and in case of the absence or inability of either of the aldermen of the ward to serve on the board of registration, the common council shall designate an elector or electors of said ward to fill such vacancies. The boards of registration shall be in session in their respective wards at such places as shall be designated by the common council from nine o'clock in the forenoon until five o'clock in the afternoon of said days, excepting Saturday, when said board shall continue in session until eight o'clock in the afternoon.

Idem.

SEC. 3. The annual city election shall be held on the first Tuesday after the first Monday in November of each year and all officers except those elected to fill vacancies shall assume the duties of the office to which he is elected on the first Monday in January following, except the city treasurer, who shall assume the duties of his office on the first Monday in March following. Each ward shall be an election district and such election shall be held at such place in such ward as the common council shall designate, and every elector shall vote in the ward in which he resides and the residence of an elector under this act shall be the ward in which he lodges: *Provided*, That the common council shall have power to designate and define the boundaries of two election districts in any of the wards in said city if the number of votes in such ward shall exceed four hundred in number, such number to be determined by the number of votes cast at the last preceding election. In case of two election districts being established in any of the wards of said city it shall be the duty of the common council to appoint the necessary boards of registration and boards of election inspectors and provide for the holding of elections in such districts.

Annual city election.

When elective officers to assume their duties.

Election districts.

Provide.

SEC. 5. The aldermen of each ward and two other persons to be designated by the common council, who shall be residents of the ward for which they are appointed, shall be the inspectors of election in their respective wards: *Provided*, That not more than two of said inspectors shall be members of the same political party. The alderman whose term of office shall soonest expire shall be chairman, and in case of the absence of any of the inspectors at the time for the opening of the polls, the vacancy or vacancies shall be filled by the electors present, who shall elect one of their number *viva voce* to fill such vacancy, and the persons so elected shall take the constitutional oath of office before entering upon his duties.

Inspectors of election.

Provide.

Chairman.

Vacancies, how filled.

#### CHAPTER IV.

SEC. 2. The officers who are elected at the annual city election, except the city treasurer, shall take and subscribe the oath of office, file their official bonds and enter upon their official duties on the first Monday of January following their

Oath and bond.

election. Officers who are elected or appointed to fill the unexpired portion of a term shall comply with the requirements of this section as above within ten days after notice of such election or appointment.

## CHAPTER V.

Common council may remove officers for wilful neglect.

Copy of charges to be furnished.

Neglect to appear and answer to charges deemed good cause for removal.

Penalty for refusing to comply with the requirements of subpoena.

Power of mayor to suspend certain officers.

**SEC. 5.** The common council may expel or remove from office any of its members or any other officer holding office by election by the electors of the city, except the mayor, for corrupt or wilful misfeasance or malfeasance in office or for the wilful neglect of the duties of his office, by a vote of two-thirds of the aldermen elect, and in such case the reason for such expulsion and removal shall be entered on the records of the common council with the names and votes of the members voting on the question. No officer holding office by election shall be expelled or removed by said council unless first furnished with a copy of the charges, in writing, and allowed to be heard in his defense, with the aid of counsel, and for the purpose hereof the common council shall have power to issue subpoenas to compel the attendance of witnesses and the production of papers when necessary, and shall proceed within ten days after service of a copy of the charges, unless such hearing shall be adjourned to a time not exceeding thirty days in all, and then at such adjourned meeting to hear and determine upon the merits of the case. If such officer shall neglect to appear and answer to such charges his default may be deemed good cause for his removal from office. Any person or persons refusing to comply with the requirements of any subpoena issued under this section shall be liable to a fine not to exceed fifty dollars, or imprisonment in the county jail not to exceed sixty days. The mayor shall have the power to suspend from office constables, superintendent of public works, or controller, or any of them, and in case of any such suspension he shall report the same, with the reasons therefor, to the common council at its first meeting thereafter.

## CHAPTER VI.

Treasurer, duties of.

**SEC. 6.** The treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the corporation, and every board [or] of officer thereof, except as hereinafter provided. He shall receive all moneys belonging to and receivable by the corporation, and shall keep an accurate account of all receipts and expenditures thereof; he shall pay no money out of the treasury except on a warrant signed by the controller, which shall specify the purpose for which the amount thereof is to be paid, except that on the first day of March in each year, or within ten days thereafter, he shall pay over to the county treasurer the amount of all State and county taxes collected by him. He shall keep an

accurate account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation; shall keep a separate account for each fund and shall pay every warrant out of the particular fund constituted or raised for the purpose for which said warrant was issued, and have the name of such fund endorsed thereon by the controller. He shall keep an accurate account and report to the common council at the end of each quarter commencing August first, eighteen hundred and ninety-one, a detailed statement of all taxes collected and money received as well as money disbursed. He shall make a monthly detailed statement to the controller of the amount received and credited by him to each fund and on what account received, and shall also, when required, exhibit a general statement showing the financial condition of the treasury, which account, report and statement shall be filed in the office of the controller. The treasurer shall keep an office where the books and accounts in his charge, belonging to the city, shall be open to the inspection of any taxpayer of said city at reasonable hours in any week day, and when any bonds, coupons and warrants, the place of payment of which is not otherwise designated shall be presented for payment, the treasurer shall not discriminate as to parties holding bonds, coupons, warrants or other lawful demands. The city treasurer shall collect all the State and county taxes assessed and imposed upon the real and personal property of said city, and also all city, highway, sewer and school taxes and all such special taxes as may from time to time be levied by the common council for the improvement of streets, the construction of sidewalks or any other purpose authorized by this act or the laws of the State, as may be placed in his hands for collection by the controller or other proper officer of said city; and the warrant of the controller of said city shall confer full power and authority upon said treasurer and his deputies to collect by levy and sale all the taxes set forth upon any copy or transcript of any general or special roll so placed in his hands, the same as warrants made by the supervisors of townships under the laws of this State, and such treasurer shall have all the powers to enforce collections of said taxes as is conferred upon township treasurers by the general laws of the State, shall give receipts for all taxes collected by him, and mark the same paid upon the proper rolls. He shall at the regular meeting of the common council on the first Monday in December in each year, send to the common council, for confirmation, the names of four residents and electors of the city, to act as deputy treasurers. Said deputies when confirmed shall enter upon their duties at such time as directed by the treasurer; they shall hold office not to exceed ninety days and shall file bonds as hereinafter provided, and their compensation shall be fixed and determined by the common council in such manner as the common council may determine. Their duties shall be the collection of delinquent taxes, either general or special, and such deputies shall have all the power and authority of the city treasurer so far as relates to the collection

Collect taxes.

Deputy treasurers.

Term of office.

Compensation of to be fixed by common council.

Duties of.

**Proviso.** of taxes. All percentages and fees collected by them shall be paid over to the city treasurer, and by him placed in the contingent fund of the city: *Provided*, That the treasurer may at any time appoint one or more deputies to assist him in performing the duties of his office, and such deputies shall, when appointed, be vested with all the powers of the city treasurer and shall receive such compensation therefor as may be allowed by the common council

## CHAPTER VII.

**President of the common council.** **SEC. 6.** The common council, at its first regular meeting after the newly elected aldermen, or a majority thereof, shall have entered into their offices, shall elect by ballot one of their number president, who shall serve for one year, unless he shall cease to be a member thereof; the common council shall also elect one of their number president *pro tempore*, who shall also hold his office for the term of one year, unless he shall cease to be a member thereof. **Vacancies in offices of president or president pro tempore.** Vacancies in the office of president or president *pro tempore* may be filled by the common council in the same manner. In case of absence or disability of the mayor and acting mayor from any meeting, the common council may elect one of their number chairman to preside at such meeting.

**Resolution or proceeding of council incurring debt or liability.** **SEC. 12.** Every resolution or proceeding of the common council incurring any debt or liability, or making provision for any expenditure where the amount of such debt, liability or expenditure shall exceed the sum of fifty dollars, and every ordinance shall forthwith after its adoption by the common council be presented by the clerk to the mayor, and the clerk shall note the fact of such presentation on the margin of the journal opposite the record of such ordinance, resolution or proceeding: *Provided*, That this section shall not be construed to have any reference to proceedings under chapter seventeen of this charter for the making of special assessments and the collection thereof.

**Mayor's approval.** **SEC. 13.** If the mayor approve such resolution, proceeding or ordinance, he shall write his approval thereon, with the date thereof, and sign and return the same to the clerk, who shall note the fact and the date of such approval on the journal. And the signing of the journal shall not be deemed a compliance with this section. If the mayor shall not approve such ordinance he shall return the same to the common council at its next regular meeting, together with [his] its objections thereto in writing: *Provided*, That if the next regular meeting occur within one week the mayor shall return the same to the council as herein provided at the next subsequent regular meeting.

**Mayor's disapproval.** **SEC. 14.** If the mayor shall not approve any such resolution, proceeding or ordinance, he shall return the same to the common council at its next regular meeting after the same shall have been presented to him by the clerk, together with his objections thereto as above provided. The common coun-

oil shall proceed at the same session to reconsider the vote by which the same was passed and adopted, and if after such reconsideration and at the same or next succeeding regular meeting two-thirds of the members elect shall agree by ayes and noes, which shall be entered of record, to pass the same, it shall go into effect: *Provided*, That ordinances shall not take effect until after the publication provided in section eleven of this chapter. If the mayor shall fail to return such resolution, proceeding or ordinance, within the time herein limited, such resolution, proceeding or ordinance shall go into effect with like effect and in the same manner as if approved by the mayor.

Two-thirds vote necessary to pass over.

Proviso.

SEC. 15. No resolution or proceeding of the common council imposing taxes or assessments, and no resolution or proceeding incurring any debt or liability in excess of the sum of fifty dollars, and no ordinance shall be passed at the same meeting at which it was introduced, if there be any objection made thereto by any of the aldermen present; and no ordinance shall be passed except by a two-thirds vote of the aldermen elect, and such vote shall be taken by yeas and nays to be entered upon the record, and the yeas and nays shall be taken upon any question entered upon the record, upon the demand of any one of the members present.

No resolution, etc., imposing taxes, etc., to be passed at the same meeting when introduced.

Two-thirds vote necessary.

Yeas and nays.

SEC. 23. The common council shall have power to compel the owner or occupant of lots or parcels of land along said streets, or within such limits as it may determine, to clear sidewalks in front of or adjacent thereto of snow, ice, dirt, mud, boxes or other incumbrances or obstacles or obstructions, and provide punishment for the neglect or refusal to comply therewith, and successive punishment for continued neglect or refusal; and the superintendent of public works may, on the neglect or refusal of such person to clean such walk or remove such incumbrance, cause such walk to be cleaned or such incumbrances to be removed and the cost and expense thereof may be recovered by the city in an action at law before any court of competent jurisdiction against the person liable; the city may garnishee as in ordinary actions at law, or the common council, upon the filing of the certificate of the superintendent of public works of the cost and expenses of cleaning such walk or removing such incumbrances, may, by resolution, direct the amount to be assessed against the property in front of which said walk is located, and the same shall be a lien upon said property the same as other taxes: *Provided*, That the election of any one of these remedies shall not bar the right to pursue any of the others.

Snow to be cleared from sidewalks.

When cost and expenses to be assessed against property.

Proviso.

SEC. 27. The common council shall have the power to provide for the preservation of the general health of the inhabitants of said city; to make regulations to secure the same, to prevent the introduction or spreading of contagious or infectious diseases, to prevent and suppress disease generally, to establish and maintain a hospital and pesthouse and to compel persons sick with infectious or contagious diseases to be

Preservation of general health.

Establishment of hospital and pesthouse.

confined and treated in such hospital and pesthouse. The common council shall also have power and authority to provide by ordinance for the appointment of building inspectors and the providing of all buildings in said city with proper fire escapes for the escape of persons in case of fire or accident, and to provide by ordinance the necessary measures to carry into effect such provisions and to punish all violations thereof. They shall also have power to pass ordinances regulating the using of soft coal for fuel in said city in such a manner as to prevent injury therefrom to persons and property, and may provide penalties for the violation thereof.

Violation of ordinances, punishment for.

Proviso.

SEC. 34. The common council shall have power to determine by ordinance the punishment of all persons convicted of any violation of the ordinances of said city by imprisonment at hard labor or otherwise, and to impose fines, imprisonments, penalties and forfeiture; and they shall also have power to impose imprisonment of any person in default of the payment of any fine inflicted for such violation: *Provided*, That in no case shall the term of imprisonment be more than three months, or fine, penalty or forfeiture more than one hundred dollars. And in the enactment of such ordinances they may provide for the maximum penalty and the police justice or justice of the peace of said city shall have the power to impose such punishment as in his discretion he may see fit, within the limits provided for in such ordinances. In case of the imposition of any fine for the violation of any of the ordinances of said city the payment of the amount thereof may be collected by levying the same upon any goods and chattels belonging to the person against whom such fine is inflicted in like manner as judgments rendered by justices of the peace are collected, and the *mittimus* issued in pursuance of such conviction shall also direct the officer to whom the same is delivered to levy and seize and sell any goods and chattels liable to execution belonging to the person upon whom such fine is imposed; and the proceedings to sell such goods and chattels by virtue thereof shall be the same as those for the sale of goods and chattels under execution issued by justices of the peace. The common council may require convicted persons to give bail for good behavior. The common council shall also have power to

Persons may be confined in St. Clair county jail.

May be put to work on the streets.

employ all persons confined for the non-payment of any fine, penalty or forfeiture, costs or for any offense under this act, or any ordinance of the common council, in the jail of St. Clair county or any jail, workhouse or house of correction of said city, at work or labor, either within or without the same, or upon the streets or other public works of said city, under the control of the common council; to allow any persons thus confined for the non-payment of any fine, penalty or forfeiture, or costs, to pay and discharge the same by such work or labor and to fix the value and ratio of such work and labor, and also to provide sufficient and necessary means for the protection of such prisoners while they [are] at work under the supervision or authority of the common council.

SEC. 35. The common council may license, continue, con- Ferries.  
 trol and regulate as many ferries from within said city to the  
 opposite shore of the St. Clair river for the carrying and trans-  
 portation of persons and property across said river in such man-  
 ner as shall be most conducive to the public good, but no ferry  
 franchise shall be granted for a longer term than five years and  
 only on such terms and conditions as shall be fixed by the  
 common council. The common council shall have power to  
 provide by ordinance for the punishment of all corporations  
 and persons engaged in ferrying between said city and the  
 opposite shore of St. Clair river, without first having obtained  
 a license therefor, and may sue and recover any penalty so  
 inflicted and enforce the payment of the same by execution.

SEC. 37. The common council shall have the power to build Building and re-  
 and repair all sidewalks in said city and to assess the expense pairing side-  
 thereof upon the adjoining property, or may permit or compel walks.  
 owners or occupants of such property to build sidewalks and to  
 keep the same in repair. The common council shall have the  
 power to provide by ordinance the manner of construction of  
 sidewalks, for notice to parties and for the making of the  
 assessment necessary to construct the same, and the proceed- Taxes.  
 ing for the collection of such taxes may be the same as is  
 provided in chapter seventeen of this charter for the making  
 and collecting of special assessments: *Provided*, That where Proviso.  
 the expense of building the same shall not exceed the sum  
 of one hundred dollars, such work may be done by and  
 under the direction of the superintendent of public works  
 without the necessity of advertising for bids for doing such  
 work, and the certificate of the superintendent of public works  
 of the amount of the expense for the construction of such walks  
 shall be *prima facie* evidence of the amount necessary to be  
 expended therefor, and the common council may by resolution  
 order the same spread either upon the special assessment roll  
 or general tax roll against the property declared to be bene-  
 fitted, and the amount thereof shall be a lien on said premises  
 until paid. The common council shall have the power to issue Bonds.  
 bonds for the purpose of raising funds necessary for the pay-  
 ment of such work with the consent of the board of estimates,  
 such bonds to be cared for and paid out of the special assess-  
 ments for such improvement when collected. The common  
 council may also compel the owners and occupants of all  
 buildings in said city to number the same, or the common  
 council may cause such numbering to be done and assess the  
 expense thereof upon such property.

SEC. 45. Claims or accounts contracted by any of the Presentation of  
 boards in said city shall first be presented to such board, accounts and  
 which shall file the same with the controller, together with filling with con-  
 such objections or recommendations as to its validity as the troller.  
 board deems expedient. It shall be a sufficient bar and answer  
 to any action or proceeding in any court for the collection of  
 any demand or claim against said city, either *ex contractu* or  
*ex delicto*, that it has never been presented to the common  
 council or the proper board for allowance, or if on contract,

Claims arising out of injuries received by reason of defective highways.

express or implied, that it was presented without the affidavit mentioned in the preceding section, or that the action or proceeding was brought before the council or such board had a reasonable time to investigate or pass upon it. All claims against said city arising out of injuries received by reason of defective highways, crosswalks, walks or any action of tort against said city, shall be deemed barred, and it shall be deemed a sufficient bar and answer to any action or proceeding in any court for the collection of any such claim or demand that the same was not presented to the common council or to the proper board within three months next after the cause of action arose.

Authority to borrow money.

SEC. 48. In addition to the powers granted to the common council by the other provisions of this charter the common council of the city of Port Huron shall also have power to authorize to be borrowed, and borrow, upon the faith and credit of the city of Port Huron, by issuing the bonds of the city therefor, the sum of not to exceed ten thousand dollars per annum for the purpose of extending the water mains of said city: *Provided*, That the bonds so issued and outstanding shall never exceed the sum of thirty thousand dollars at one time.

Proviso.

Taking private property for public use.

SEC. 55. The common council shall have power to acquire, purchase or take private property for public use and benefit in the following cases:

*First*, To open, extend, widen or straighten the public highways, avenues, streets, lanes and alleys in said city;

*Second*, To obtain sites for public buildings in said city;

*Third*, To lay out, open or extend public squares, spaces, market grounds, parks and cemeteries in said city;

*Fourth*, To lay through private property sewers, water pipes and gas pipes, and the common council may also open private roads and alleys in said city.

Council may proceed to condemn.

SEC. 56. The common council may purchase the whole or any part or interest in such private property, or may proceed to condemn and take whole, or any part or interest therein, in the manner provided by the general laws of this State; and in case of proceeding to condemn, it shall not be necessary that any previous effort to purchase shall be made. And the common council may by ordinance provide for notice to minors, idiots, non-residents or others, or such notice may be given as provided by the laws of the State in cases of similar proceedings. The common council shall have power to declare by resolution the lots or parcels of land and property in said city benefited by any of the proceedings taken under section fifty-five of this chapter, and may assess the entire expense of such improvement or condemnation proceedings or purchase upon the lands and premises so declared to be benefited or such portion thereof as they may determine, and the amount so determined shall be assessed upon the property so declared to be benefited, in such manner and in such proportion as the common council may determine, and the amount of such assessment shall be placed upon the general tax roll of the ward or wards in such city in which such property is located, or may



be collected by special assessments as the common council may determine, and shall remain a lien upon such premises until paid.

SEC. 60. The common council shall have full power and authority to prohibit and prevent the placing or maintaining of telegraph, telephone or electric light wires in the streets, lanes, alleys, avenues or public grounds of the city of above the ground and may compel the placing of the same under ground. And they may also compel the removal, within such time as they may determine, of any telegraph, telephone or electric light pole in any of the streets or alleys of said city, and they may require by ordinance the use by all telegraph or telephone companies having wires in said city of the same poles, under such terms and conditions as the common council may by ordinance prescribe.

Telegraph, telephone, electric light wires, may compel the placing under ground.

May compel the removal.

## CHAPTER VIII.

SECTION 1. The board of estimates shall consist of one member to be elected biennially on the general city ticket, and two members from each ward, one of whom shall be elected annually and who shall hold his office for two years and until his successor shall be elected and qualified. The mayor shall be *ex officio* a member and president of said board, and in his absence the acting mayor shall be entitled to a seat at the sessions of said board, with the same power and duties as if the mayor were personally present. The several provisions of this act relating to the election of the mayor and aldermen shall be applicable to and regulate the election of said board of estimates.

Board of estimates.

Election of members of.  
Term of office.  
President of board.

SEC. 3. A meeting of said board shall be held annually on the second Monday in January at the common council chamber, and regular meetings shall be held on the first Wednesday after the first Monday of each and every month thereafter, and at such other times as the common council may by ordinance or resolution prescribe. Said board shall elect one of its members vice president, who shall, in the absence of the mayor, preside at all meetings of the board, and shall hold his office until the next election of new members; and if both are absent or incapacitated from performing such duties the board may elect a president *pro tempore*. The city clerk shall be the secretary of said board and shall keep a record of its proceedings, and if he is absent or incapacitated from performing his duties the board may appoint a secretary *pro tempore*. The board may adjourn from time to time, but the meeting to be held in each year to consider the assessments for the general and annual taxes for city purposes shall not be adjourned to a time subsequent to the third Monday of May.

Annual and regular meetings.

Vice president.

Secretary.

Adjournments.

## CHAPTER IX.

SECTION 1. The city of Port Huron shall be considered as one school district, and hereafter all schools organized in said

City shall be one school district.

city pursuant to this act shall be under the direction and regulation of the board of education and be public and free to all children within the limits thereof between the ages of five and twenty years, inclusive.

Quorum.

Regular meeting once a month.

President.

SEC. 4. A majority of all the members of said board shall constitute a quorum and said board shall meet from time to time at the place hereinafter designated. A regular meeting of said board shall be held twice in each and every month, at such time as shall be designated by the rules and regulations of the board. The mayor shall be *ex officio* president of said board, and said board may elect one of their number vice president, and in case of the absence of the mayor or his inability to perform the duties of his office, the vice president shall be vested with all the powers possessed by the president of said board. Said board may also elect one of their own number president *pro tempore* to act at any meeting from which both the president and vice president are absent.

Statement of amount of money necessary to carry on schools to be delivered to controller.

SEC. 7. The board of education shall, on or before the second Monday in April in each year, deliver to the city controller a statement showing the amount of money necessary to carry on the schools under the charge of said board, which estimate shall include all the ordinary expense of running said schools and caring for the schoolhouses, buildings and other property belonging to the board, and interest on temporary loans made by the board, which amount the controller shall cause to be spread upon the tax roll for the said city for the ensuing year, to be collected the same as other city taxes: *Provided*, That such amount shall not exceed the sum of four dollars for each and every child in said city between the ages of five and twenty years, the number of children to be determined by the last report on the subject on file in the office of the clerk of St. Clair county, or in the office of the secretary of the board of education, and certified by the president thereof.

Statement of money required for other than ordinary expenses.

The said board of education shall, with the statement aforesaid, deliver to the controller, to be by him submitted to the common council of said city at the same time the common council are considering the annual estimates for general city purposes, a statement showing the amount of money required by said board during the ensuing year for all purposes other than and in addition to those above mentioned, which statement shall show for what the money is to be expended, and in case of the approval of such estimates by the common council, the said estimates, or so much thereof as may be approved by the common council, shall be submitted to the board of estimates by the common council at the same time the estimates for annual city taxes are submitted. And it shall be the duty of the controller to spread, in addition to the amount as first above mentioned, such sum as may be approved by the board of estimates upon the tax roll of said city, for such year, with the other taxes, and the same shall be collected in the same manner as other city taxes. The board of education is hereby authorized to borrow money in anticipation of the revenues to be derived from sums authorized to be levied the current fiscal

When approved by the board of estimates to be spread upon the roll.

Authorized to borrow money and issue bonds.

year, as provided by this act; but no evidence of indebtedness issued under provisions of this section shall be for a longer period than nine months or at a greater interest than seven per cent per annum.

Limit of time  
and interest.

SEC. 10. The common council of said city are hereby authorized and directed once in each year to assess, levy and collect a tax on all real and personal property in said city, after the same has been authorized as aforesaid, according to the city assessment roll of that year, which shall not exceed five dollars for each and every child in said city between the ages of five and twenty years, the number of children to be ascertained as provided in section seven of this chapter, and the said tax shall be collected in the same manner as the moneys raised to defray the general expenses of the city; all such moneys shall be disbursed by authority of said board for the maintenance and support of said schools and for no other purpose.

Yearly assess-  
ment of tax.

Limit.

Collection.

Disbursement.

SEC. 13. The office of school inspector shall be deemed vacant in case of the death or removal of any inspector from the ward for which elected. In case of the failure or neglect of any school inspector to attend three regular meetings in succession, such school inspector shall be deemed to have vacated his office, and it shall be the duty of the city clerk to report to the common council of every such failure and neglect to attend, and the council shall at once proceed to fill such vacancy unless such failure or neglect be excused to the satisfaction of the council.

Vacancy in office  
of school in-  
spector.

SEC. 19. The board of education shall, immediately after the passage of this act, elect a board of commissioners of the public library of Port Huron, to whom shall be transferred the care, custody, control and maintenance of the district library, and such library shall be known as "The Public Library of the City of Port Huron." Such commissioners shall not be members of the board of education, and shall, when elected, be clothed with all the powers of the management and control of the library now vested in the board of education. Said board of commissioners shall consist of three members, who shall be elected by the board of education and shall serve without compensation, and shall hold their respective offices for three years, except that the members of the first term shall be chosen for the term of one, two and three years respectively; one member of such board of commissioners shall be elected annually, in place of the member whose office expires in that year, and vacancy for any cause may be filled at any time by the election by the board of education of a person or persons to fill such vacancy. Such board of commissioners shall be known as "The Port Huron Library Commission." Said commission shall make annual reports to the board of education of the condition of the library and its funds. The board of education in their annual estimates shall make provision for a library fund which shall not be less than one-fifth of one mill on the dollar on property assessed for city purposes, and the amount so provided shall be levied each year with the other city taxes and

Board of com-  
missioners of  
the public li-  
brary of Port  
Huron.

Not to be mem-  
bers of board  
of education.  
Powers of.  
Number of  
members of.

Term of office.

Vacancy.

Library fund.

paid over to the board of education with other school taxes. The funds above provided shall be disbursed only on the order of the library commission, and it shall be the duty of the mayor and controller to draw warrants upon said fund upon the order of said commission; and the treasurer of the board of education shall be *ex officio* treasurer of the commission.

## CHAPTER X.

Board of water commissioners, appointment, qualification, oath of office.

SECTION 1. The common council shall appoint a board of water commissioners composed of four persons, who shall be qualified electors of said city; the mayor shall be *ex officio* a member and chairman of said board; the member comprising said board shall take the oath of office prescribed for city officers within ten days from the date of their appointment.

Time of appointment and term of office.

SEC. 2. Every year at the regular meeting of the common council held on the first Monday of May the common council shall appoint one commissioner to serve for the period of four years and until his successor is appointed and qualified in the place of the one whose term of office shall then expire: *Provided*, That at the meeting held on the first Monday of May, eighteen hundred ninety-five, the common council shall elect an additional member of said board for such length of time as will provide for the expiration of the term of one each of said commissioners annually.

Proviso.

Work to be done by contract.

SEC. 5. In the construction of the water works and in the purchase of material for repairs bids shall be solicited by advertisement in the official paper of the city, from plans and specifications to be furnished by the city engineer, for the performance of such work and the furnishing of all necessary material required by the board, the estimated cost of which exceeds one hundred dollars, or in such other manner as may be ordered or approved by the common council. No commissioner shall be interested, either directly or indirectly, in any contract entered into by the board with any person or corporation, nor shall any of such commissioners be interested, either directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act.

Commissioners not to be interested in any contract.

Water rates.

SEC. 7. The said board shall fix and assess the water rates to be paid for having and using water from said works. Said rates shall be based as near as may be upon the water consumed and used by the owner or occupant of each house, building or lot using water. Such water rates shall be a continuing lien until paid upon the land, real estate and premises on which the water is used and the rates assessed; and after the making of such assessments the board shall give notice by publication in the official paper of the city that such assessments have been made and will remain in the office of the secretary of said board for inspection for a period not to exceed one week, during which time any person or persons feeling aggrieved by any assessment made may file such objection thereto as he may

desire; and it shall be the duty of the board, at the next meeting held thereafter, to consider all of such objections and to make such order in relation thereto, to be entered upon their record, as they may deem proper, and they shall have power to change any of the assessments made, and the amount so fixed by said board shall be the amount of assessment existing against such person so appealing. After the confirmation of such rolls the total amount of such assessment shall be reported by the clerk of said board to the controller, in writing, who shall file the same in his office.

SEC. 10. It shall be the duty of said board and the secretary thereof to weekly pay into said treasury to the credit of the water funds, all moneys received from water rates or from any other source, and to file a detailed statement thereof with the city controller and the said board, and the secretary thereof shall make such reports and furnish such information from time to time to the common council as that body shall, by resolution or ordinance, prescribe.

Water rates, etc.,  
to be paid  
weekly.

SEC. 15. Said board shall hold regular monthly meetings on the last Wednesday of each month at the hour of seven o'clock p. m., such meetings to be held at the office of the secretary of said board; special meetings shall also be held when necessary. The action of said board in fixing the salaries, in constructing reservoirs, buildings, machinery, jets and fountains, in the purchase of real estate and in the extension of mains and pipes, shall be subject to the approval of the common council and shall not be valid without such approval, and the board shall also be subject to such ordinance as may be adopted by the common council, and any member of said board may be removed by the common council by a two-thirds vote of the aldermen elect for cause, after charges, notice and trial.

Regular and  
special meet-  
ings.

Action of board,  
in what cases to  
be approved  
by council.

Removal from  
office.

SEC. 17. It shall be the duty of the common council of said city, and the said council is hereby authorized and empowered, to cause to be levied and assessed annually upon the taxable property in said city the sum of eleven thousand dollars, the same to be included in each annual tax assessment levied on said city. The said sum shall be levied and collected the same as other general taxes in said city, and shall from time to time, as received, be paid into and credited to the water fund for the purpose for which said water fund is constituted and the provisions of this act. It shall be the duty of the controller on the fifteenth day of June and the fifteenth day of December in each and every year to charge up and transfer from the water fund and credit to the interest fund an amount equal to two and one-half per cent on three hundred thousand dollars of the bonded indebtedness of the city, which sum shall be used by the corporation to pay the interest on said sum of three hundred thousand dollars of the bonded indebtedness of said city; and it shall be the duty of the controller and the treasurer to cause such amount to be transferred from said water fund to the interest fund as aforesaid. It shall also be

Water fund.

Authority to  
levy tax.

Provisions.

the duty of the controller and the city treasurer, at the end of each fiscal year, to charge up to the water fund, and to transfer and place to the credit of the sinking fund such sums as the common council may direct: *Provided*, That such sums shall not be less than two thousand dollars: *And provided further*, That the amount to be transferred by the controller, semi-annually, as aforesaid, from the water fund to the interest fund, shall be reduced annually to the extent of five per cent on the amount paid from such fund into the sinking fund, so that the amount so to be transferred from the water fund to the interest fund shall never exceed the sum of five per cent annually on the said sum of three hundred thousand dollars, less the amounts paid into the sinking fund under the provisions of this section. No indebtedness shall be contracted against or be paid out of said water fund, nor shall any expenditures be made therefrom that will interfere or prevent the carrying out of the provisions of this section.

## CHAPTER XI.

Board of health to be appointed by common council.

Health officer.

Powers of board of health.

SECTION 1. The common council of said city shall appoint a board of health for said city to consist of four persons, including a competent physician, who shall be the health officer thereof, and whose duty it shall be to faithfully carry out all the orders and requirements of said board.

SEC. 9. The board of health shall have power to make orders and regulations for the suppression or removal of nuisances and all such other orders and regulations as they shall think necessary and proper for the preservation of the public health. They shall also have power to enter upon or within any place or premises where conditions dangerous to the public health are known or believed to exist, and by appointed members or persons inspect and examine the same for the protection of life and health and for no other purpose; and all owners, agents or occupants shall permit and facilitate such sanitary examinations, and it shall be the duty of said board of health, whenever requested, to furnish such owners or occupants with a written statement of results or conclusions of such examination. Said board shall also have power and it shall be its duty to receive and examine into the nature of complaints made by any of the inhabitants of said city concerning causes of danger or injury to the public health within the limits of its jurisdiction, and any person or persons violating or refusing to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and may be punished by a fine not exceeding one hundred dollars, or imprisonment not exceeding ninety days.

Compensation of members of board.

SEC. 10. The members of said board of health shall receive such compensation for their services as the common council shall deem reasonable, to be paid from the general or contingent fund of said city, and the city clerk shall be clerk of said

board, and shall keep a correct copy of the proceedings of said board in a book to be provided for that purpose.

SEC. 12. The general laws of this State relating to the public health, so far as they are not inconsistent herewith, and the laws of the United States, shall apply to the governing of said board of health, and the said city of Port Huron. The common council of said city shall have power to pass all necessary ordinances for the carrying out of the provisions of this chapter, and may provide therein for punishment by fine or imprisonment, or both, for the violation of any of the provisions of this chapter or for the refusal to carry out any of the orders of the board of health made in pursuance of the provisions hereof.

General laws  
not inconsistent  
herewith to  
apply to.

SEC. 13. The board of health may cause any excavation, erection, vehicle, building, vessel, water craft, room, building place, sewer pipe, passage, premises, ground, matter or thing in said city, or adjacent waters regarded by said board as in a condition dangerous or detrimental to public health or life, to be purified, cleaned, disinfected, altered or improved, and may also order any substance, matter or thing being or laid in any street, alley, water, excavation, building, erection, place or grounds, whether such place where the same may be public or private and which said board may regard as dangerous or detrimental to the public health, to be speedily removed to some proper place and may designate the proper place to which the same shall be removed, when no adequate or proper place in the judgment of said board is already provided; and in case of non-compliance with any order or ordinance which shall be served or posted, the said board, its officers or employes, may lawfully enter upon any premises to which said order or ordinance relates and suppress or remove the nuisance and other matters in the judgment of said board detrimental to the public health mentioned in such order or regulation; and any other excavation or matter of the description aforesaid found there existing, the expense thereof shall be a charge upon the occupant or all of the occupants of said premises, and may be sued for and recovered with costs under the direction of the common council of said city, in the name of said city, and the same shall be a charge against the owner or owners of the premises; and the common council, upon the certificate of said board as to the amount of expense aforesaid, and the purposes for which the same was incurred, may cause the amount to be levied and assessed upon the premises and against the owner or owners thereof, and the same shall be collected in the same manner as other taxes in said city are collected.

Board of health  
may remove  
nuisance.

## CHAPTER XV.

SECTION 1. The revenues and moneys of the corporation shall be divided into the following funds, viz.:

*First*, General fund to defray the expenses of the city of Port Huron for the payment of which out of some other fund no provision herein is made;

City funds.  
General.

Contingent.	<i>Second</i> , Contingent fund to defray the contingent expenses of said city and pay judgments and claims for damages against said city;
Interest.	<i>Third</i> , Interest fund to pay the interest on the funded debt of the city;
Sinking.	<i>Fourth</i> , Sinking fund to pay the funded debt of said city;
Police.	<i>Fifth</i> , Police fund to defray the expenses of the police force of said city, including the erection of station houses and other buildings for the force;
Water.	<i>Sixth</i> , Water fund to defray the expenses of obtaining grounds, erecting buildings, purchasing machinery obtaining rights of way, laying mains and constructing, repairing and maintaining the water works of said city;
Fire department.	<i>Seventh</i> , Fire department fund to defray the expenses of maintaining the fire department of said city, including the maintenance and repairs of public hydrants and the erection of engine houses and other buildings for the use of said fire department;
Educational.	<i>Eighth</i> , Educational fund to defray the expenses of maintaining the public schools of said city, and of obtaining grounds, erecting and repairing school buildings, and for library purposes;
Sewer.	<i>Ninth</i> , Sewer fund to defray the expenses of constructing, repairing and maintaining the city's portion of sewers, and of constructing and maintaining receiving or catch basins and manholes, and putting in street and alley connections;
Street opening.	<i>Tenth</i> , Street opening fund to defray the expenses only of opening, widening, altering and vacating streets, highways and alleys in said city and not for working or grading streets;
General road.	<i>Eleventh</i> , General road fund to defray the expenses of repairing paved streets, of grading, paving, planking, graveling, claying, macadamizing or otherwise improving street intersections and the highways, streets and alleys in said city in front of or adjacent to the property of the corporation, and to pay the expenses of building crosswalks in said city;
Ward road.	<i>Twelfth</i> , Ward road fund for each ward in the city to defray the expenses of grading, working, repairing, cleaning and improving the highways, streets and alleys in the several wards in said city and of the building of culverts;
Public building.	<i>Thirteenth</i> , Public building fund for purchasing real estate for the erection thereon of public buildings, and to defray the expenses of erecting, repairing and maintaining such public buildings as the common council is authorized to erect, and as are not otherwise provided for;
Bridge.	<i>Fourteenth</i> , Bridge fund to defray the expenses of erecting, repairing and maintaining the bridges in said city;
Park.	<i>Fifteenth</i> , A park fund to defray the expenses of beautifying and caring for the public parks of said city, and for the purchase of grounds for parks;
Cemetery.	<i>Sixteenth</i> , A cemetery fund to defray the costs and expenses of obtaining one or more cemeteries, and to defray the costs and expenses of beautifying and adorning, keeping, maintain-



ng and caring for the cemeteries of the city, either within or without the city;

*Seventeenth*, Public lighting fund to provide for the purchase, erection and maintaining of a lighting plant, and to defray the costs and expenses of lighting the city; Public lighting.

*Eighteenth*, Salary fund to pay the salaries of the various city officers except as herein otherwise provided; Salary.

*Nineteenth*, Public improvement fund to defray the costs and expenses of the improvements mentioned in the first and third subdivisions of section one, chapter seventeen of this act, into which fund the proceeds of all the special assessments therein specified shall be placed, together with such other amounts as may from year to year be appropriated by general tax; Public improvement.

*Twentieth*, Repaving fund to defray the expenses of repaving streets in the city; Repaving.

*Twenty-first*, Street cleaning fund to defray the cost and expense of cleaning the paved streets of the city; Street cleaning.

*Twenty-second*, Police life and health insurance fund, the moneys placed in said fund to be applied in accordance with chapter twenty-two, section seven, of this act; Police life and health insurance.

*Twenty-third*, Such other funds as the common council may constitute for special purposes, not inconsistent with nor to be taken from any of the funds above constituted or raised; Other funds.

SEC. 3. The common council shall have the power, subject to the approval of the board of estimates, to annually levy, assess and collect taxes on the assessed value of all the real and personal estate in said city made taxable by the laws of this State in order to defray the expenses and for the purpose of the several funds mentioned in and authorized by the preceding section: *Provided*, That the total amount so levied or collected in any one year for all said funds, excepting the sinking fund and repaving fund, and except any fund for which special assessments are made, shall not exceed two per cent of such valuation, and for the sinking fund and repaving fund, shall not exceed one-third of one per cent of such valuation for each fund: *And provided further*, That the common council may authorize the raising in addition thereto of a ward road fund of not to exceed one-fifth of one per cent of the valuation of the property in each of the several wards. Taxes for several funds. Provided.

SEC. 6. The common council shall, with the approval of the board of estimates, also have power to provide money for the water fund, the sewer fund, the educational fund, the public building fund, the general road fund, the bridge fund, the public lighting fund, the park fund, the public improvement fund, the repaving fund and the contingent fund, by borrowing upon the faith and credit of the city, and upon the best terms that can be made, such sums of money as shall be deemed necessary and expedient, and to issue the bonds of [said] the city therefor; and the common council shall have power to provide money by borrowing upon the faith and credit of the city to pay the present bonded indebtedness of the city or of the board of education, or any part thereof, whether due or Council may borrow money and issue bonds for certain funds.

not, and to issue bonds therefor, or said bonds may be issued by the common council for the purpose of refunding said bonded indebtedness and exchanging for the present outstanding bonds of the city or board of education; but said bonds shall not be negotiated at less than their par value or bear interest to exceed seven per cent per annum: *Provided*, That the gross debt of the city, not including the public improvement bonds and bonds for the payment of which special assessments are levied, shall not exceed ten per cent of the assessed value of the real and personal property in said city; and any indebtedness issued or created in excess thereof shall be null and void except as hereinafter otherwise provided: *And provided further*, That no bonds shall be issued to provide money for the contingent fund, except such sums as may be necessary to provide for the payment of obligations existing in the way of judgments against the city or for the purpose of compromising claims to prevent litigation, when authorized by a two-thirds vote of the aldermen elect; and when any such bonds are issued, the amount of money so raised shall not be used for any other purpose: *And provided further*, That the common council shall not have power to authorize or order the issuance of any bond or borrow any money for the public lighting fund until the question of the issuance of said bonds and the borrowing of money for such purpose shall have been submitted to and approved by a majority of the electors of the city of Port Huron voting thereon.

**Bonds issued under the preceding section, how denominated.**

SEC. 7. Bonds issued under the preceding section shall be respectively denominated water bonds, sewer bonds, school building bonds, public building bonds, general road bonds, bridge bonds, public lighting bonds, park bonds, public improvement bonds, repaving bonds and contingent bonds, and in case issued to provide money for the payment of the present bonded indebtedness, they shall be denominated refunding bonds. Said bonds shall be regularly dated and numbered in the order of their issue, and shall be for not less than one hundred dollars each, and shall be payable in not less than one and not more than thirty years from their date; shall be issued under the seal of the corporation, signed by the mayor and clerk and countersigned by the controller, and redeemable at the pleasure of the council after one year: *Provided*, That any bonds bearing a less rate of interest than six per cent per annum may in the discretion of the common council be made payable at any time not more than thirty years from their date, and shall not be made payable at the pleasure of the common council before the expiration of that time. The controller shall keep an accurate record of said bonds and of the class of indebtedness to which they belong, the number, date and amount of each bond, its rate of interest, when and where the same is payable, and the person to whom it is issued. The proceeds of said bonds shall be paid into the city treasury and be credited to the fund for which the bonds were issued and applied to the purposes contemplated by this act.

**Record of bonds.**

**SEC. 9.** It shall be the duty of the common council and the board of estimates annually to authorize, levy, assess and collect on the assessed value of all real and personal property in said city made taxable by the laws of the State, taxes for the purpose of the interest fund, not exceeding in amount a sum sufficient to pay the interest accrued or to accrue on the funded debt of the city for the year for which said taxes are levied, and also taxes for the purpose of the sinking fund, to pay the funded indebtedness of said city and its different boards; also taxes for the purpose of the educational fund of not less than four dollars and not more than five dollars for every child in the city between the ages of five and twenty years, inclusive, and the number of children to be ascertained by the last report on that subject, which may have been made to the common council by the board of education, as provided in this act.

Assessment for interest fund.

**SEC. 14.** No moneys shall be paid out of the treasury except upon a warrant signed by the controller and approved or authorized by the common council in pursuance of law. Such warrants shall specify the purpose for which the amount thereof is to be paid, and shall have endorsed thereon the name of the particular fund out of which it is payable, and shall be paid from the fund constituted for such purpose and for no other.

How money drawn from the treasury.

**SEC. 19.** The construction of any public building, sewer, paving, grading, planking, macadamizing, graveling, claying or the construction of any public work whatever, or any work done except the ordinary care of streets and water works, public buildings or other property of said city, or purchasing or furnishing any materials or supplies for said corporation, or printing or publishing required by this act or that may be required by the common council of said city, may be by contract or otherwise, as the council may direct; and no contract shall be let or entered into by the common council or any board of said city, except to and with a responsible bidder with adequate security, or with any person or persons who have heretofore failed to execute or fully comply with the provisions of any contract awarded to them by the common council. No contract for the construction of work, or for the furnishing of materials, or for any other purpose, shall be awarded any person who is in arrears to the corporation upon debt or contract, or for taxes, or who is a defaulter as surety or otherwise upon any obligation to the corporation, or who shall be disqualified in any respect according to the provisions of this act. And if such person or persons should be the lowest bidder the common council may reject his bid for such reason and award the contract to the next lowest bidder; or the common council may reject any and all bids for any public work, improvement or contract for supplies and may readvertise one or more times for the same.

The construction of public works, etc., may be by contract or otherwise.

Responsible bidders.

Adequate security.

No contract to be awarded to person in arrears.

Council may reject any and all bids.

## CHAPTER XVI.

Appeal.

SEC. 8. The common council shall hear and determine all appeals in a summary manner and correct any errors which it may discover in the assessment roll, and place thereon the names of any persons and a description of any property not already assessed and assess the same, and may increase or diminish any assessment as they may determine: *Provided*, That they shall not increase any assessment of property without giving reasonable opportunity to the persons owning or having charge of the same, or the person to whom it is assessed, if known, to appear and be heard. The common council shall have power at any time after the rolls have passed into the hands of the controller, by resolution, to direct the controller to place upon the assessment and tax roll of the proper ward any personal property within said city which has not been assessed. And for the purposes thereof the said common council shall have the power of fixing the amount of such assessment, and it shall be the duty of the controller to place the same upon the assessment roll and to carry out opposite said assessment the amount of taxes according to the percentage on all other property in the ward in which said property is situated: *Provided*, That before any such assessment shall be placed upon the roll or taxes spread thereon, the corporation or person so assessed shall be notified in such a manner as the common council may direct, and he shall have a reasonable time in which to appear before the common council, and the person so assessed shall have the right to file or make such objections thereto as he may desire, and the common council shall consider such objections, and, after any revision, change or alteration, shall, by resolution, confirm the same. Taxes upon said roll spread upon personal property shall be and remain a lien upon such property from the time of their assessment, and such liens shall take precedence of all mortgages and transfers made thereon after such assessment. And in the event of the sale of such property, or the attempted removal thereof, from the city of Port Huron, the controller of said city shall have the power and authority to issue a warrant under his hand, directed to the treasurer of said city, directing him to collect the amount of such personal tax, and the city treasurer may proceed forthwith to collect the same, and shall have the same power and authority to proceed, and shall proceed in like manner for the collection of said taxes as he might or could do at the time the general rolls passed into his hands for collection.

Duty of city treasurer.

SEC. 11. On the first day of November, the city treasurer shall return said tax rolls to the controller, who shall at once apportion, spread and extend thereon all State and county taxes certified to him by the board of supervisors, at the same time and in the same manner as township supervisors are or may be by law required to do, and shall annex thereto a warrant directed to the city treasurer of said city, signed by him,

and in all other respects the same, as near as may be, as is required or may be required by law in warrants of township treasurers for the collection of State, county and township taxes. The controller shall, on or about the first day of December, cause the rolls to be delivered to the city treasurer, who shall give a receipt therefor, and be charged therewith. The treasurer shall receive all taxes upon said roll, except such as have been paid without charging any percentage thereon, until the first day of January in each year, and shall mark on the tax roll as paid all taxes paid to him, and on the first day of March, or within ten days thereafter, he shall pay to the county treasurer all State and county taxes received by him.

SEC. 15. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships of this State in reference to school taxes, county and State taxes, the support of the poor, and State, district and county elections, and the justices of the peace, clerk and all other officers of said city, who are required to perform the duties of township officers of this State, shall take the oath, give the bonds, perform like duties and receive the same pay, and in the same manner, and be subject to the same liabilities as is provided for the corresponding township officers, except as [is] in otherwise provided in this act or as may be prescribed by ordinance.

Duties of council in school, county and State taxes.

## CHAPTER XVII.

SECTION 1. The common council shall have power and authority to levy and collect special assessments for the following purposes:

Special assessments.

*First*, To defray the costs and expenses of grading, curbing, paving, graveling, claying, planking, or macadamizing of any of the streets, lanes, alleys, highways or avenues of the city, or of improving the same by a combination of any of such methods;

*Second*, To defray the costs and expenses of repairing any of the streets, lanes, alleys, highways and avenues of the city so improved, when the number of square yards to be repaired in any given block in one year shall exceed ten per cent of the total number of square yards in such block;

*Third*, To defray the cost and expense of constructing or repairing drains and sewers in said city;

*Fourth*, To defray the cost and expense of constructing or repairing sidewalks in said city.

SEC. 2. When a petition shall be presented to the common council asking for the grading, curbing, paving, graveling, claying, planking or macadamizing of any street, lane, alley, highway or avenue in said city, or for improving the same by a combination of any such methods, or for repairing to such an extent that a special assessment may be made therefor, or

Petition for grading, etc., to be referred to superintendent of public works.

Determination of council, two-thirds vote necessary.	for the construction of any drain or sewer, the same shall be referred to the superintendent of public works, as provided in the chapter of this act relating to the superintendent, and on the coming in of his report the common council shall determine by resolution as to the necessity of doing such work or making such improvement (a two-thirds vote of the aldermen elect being necessary to determine in favor of the same), and if they determine in favor of the same, or any part thereof, they shall fix the limits of a special assessment district, which in case of grading, curbing, paving, graveling, claying, plank-ing or macadamizing, or of improving by a combination of any of such methods, shall include the lots and premises fronting, touching or abutting on such street, lane, alley or highway or avenue so proposed to be improved, and, in case of drains or sewers shall include such lots, blocks or premises lying contiguous to each other, as will, in the opinion of the council, be benefited by such drain or sewer; and the council may revise, correct, amend or change the plans or specifications, and upon their being finally approved and adopted the council shall direct the superintendent of public works to advertise in such manner as they may direct for proposals for doing such work and furnishing materials therefor, according to such plans and specifications, but no bid shall be received unless accompanied by a certified check in such amount as the common council may require.
Special assessment district.	
Plans and specifications may be changed.	
Superintendent to advertise.	
City treasurer to give notice by publication.	SEC. 10. Upon the receipt of any special assessment roll for the collection of any one of the parts appearing upon such roll, as specified by the warrant of the [controller] collector, the city treasurer shall forthwith give notice by publication for two successive weeks in the official paper of the city, that such roll or part is in his hands for collection, and that such assessment can be paid without the collection of any collection fee for thirty days from the date of such notice, and during that time he shall receive and receipt for all such assessments as may be paid to him, and at the expiration of such time he shall proceed to collect the amounts unpaid according to the terms of his warrant, adding thereto four per cent for collection fees, and for the purpose of collecting the same he is hereby vested with all the powers and authority given to town-ship treasurers for the collection of State and county taxes, and he shall account for such collection fees in his settlement with the city, and he may levy upon the property of persons assessed wherever the same may be found within the city of Port Huron, and all moneys received on said assessment roll shall be applied to the purpose for which it was raised and no other. No property shall be exempt from levy and sale for the purpose of satisfying the amount of such assessment.
Assessment can be paid for 30 days without collection fee.	
Four per cent to be added.	
His authority.	
To account for collection fees.	
How money applied.	
No property exempt.	
Acts repealed.	SEC. 33. All acts or parts of acts, in any way contravening or inconsistent with the provisions of this act are hereby repealed: <i>Provided</i> , That all acts begun or proceedings commenced under and by virtue of [this] the provision of the charter and ordinances of the city of Port Huron before the passage of this act, may be carried forward to completion under the pro-
Proviso.	

visions of said charter then in force, in the same manner and with like effect as though this act had not been passed.

That there shall be added to said act a new chapter to stand and be known as chapter twenty-two, as follows:

## CHAPTER XXII.

### BOARD OF POLICE COMMISSIONERS.

**SECTION 1.** The police force of the city of Port Huron, as now organized, shall be under the control and management of a police commission hereby created; such commission shall consist of four persons, one of whom shall be appointed for one year, one for two years, one for three years and one for four years, from the first Monday in June, and annually thereafter one commissioner shall be appointed; they shall be known as police commissioners. They shall be appointed by the common council upon the recommendation of the mayor, and all vacancies shall be filled in such manner within thirty days after such vacancy occurs. Such police commissioners shall be selected irrespective of politics, and not more than two of them shall be identified with the same political party. They shall hold office for the term of four years and until their successors are appointed and qualified, and when so appointed they shall qualify by taking the same official oath as other officers of said city.

Membership of police commission.

Term of office.

How appointed.

Vacancies.

To be selected irrespective of politics.

Term of office.

Oath.

**SEC. 2.** Such commission shall on the first Monday in June in each year appoint a chief of police, who shall be *ex officio* marshal of said city and perform all the duties to be performed by the marshal under the charter and ordinances of said city. Said commission shall have the exclusive power to appoint members of the police force, to suspend or remove the chief of police or policemen, under and for such causes as shall be fixed by the rules of said commission and the charter of the said city. Said commission are also authorized and empowered to appoint special policemen and watchmen when they shall deem the same necessary, but the number of regular policemen and their salaries, and that of the chief of police, shall be fixed and determined by the common council.

Chief of police.

Duties of.

Commission to appoint members of police force.

Special policemen.

Powers of policemen, etc.

**SEC. 3.** The chief of police, policemen, regular and extra, and watchmen, who shall be appointed from time to time by said police commission, shall possess and exercise the same powers as conservators of the peace, which township constables exercise and possess under the general laws of this State. Said commission may adopt such rules and regulations for the government, disciplining and management of said force, and the members thereof, not inconsistent with the charter of said city, as they shall deem proper, and they shall have full power to remove the chief of police or policemen, regular or special, for the violation of any of the rules or regulations adopted for the government, disciplining and management of the police force and the members thereof.

Rules and regulations.

Qualifications  
of applicants.

SEC. 4. Said police commission shall have the right to determine absolutely the qualifications of all applicants for position on said force, and all present members of said force, including the chief of police, and in the event of a failure of any of the members of said force, or the chief, to meet with or fulfill the requirements or qualifications specified [or required] by the rules adopted by said commission, the said commission shall have the power to remove such member or members:

Proviso.

*Provided*, That no rule of said commission limiting the age of applicants for membership on the police force, shall apply to the present members of said force.

Ex officio clerk  
of commission.

SEC. 5. Said commissioners shall serve without compensation, and the city clerk shall be *ex officio* clerk of said commission.

Majority vote of  
commission necessary  
to appoint  
or remove member  
of police  
force.

SEC. 6. The chief of police and every member of the police force of said city shall be appointed or removed only by a vote of a majority of all the members of said commission. *Provided*, That the present police force, including the chief, shall continue to hold their respective offices until their successors are appointed and qualified. No one shall be appointed unless he has been a citizen of the United States for at least two years prior to his appointment. No person shall be a member of said police force unless he shall have been, at the time of his appointment, a citizen of the United States for at least two years, and any appointment made contrary to this provision shall be void.

Proviso.

Must be citizen  
of United States.

Moneys received  
from the licensing  
of dogs, etc.

SEC. 7. All moneys received from the licensing of dogs, or paid to release any dog that has been impounded, or received from the sale of any dog, shall first be applied to the payment of the necessary expenses incurred in the maintenance of the dog pound and the licensing of dogs, and the balance shall be paid into the police life and health insurance fund. The police commission is hereby declared to be the trustee of said fund and may invest the same as they see fit, and they shall have power to order the same drawn from the treasury for the purpose of investment, or whenever any member of the police force in the actual performance of his duties, and in consequence of the performance of such duties, shall become bodily disabled, they may order drawn therefrom his necessary expenses during the term of his disability as aforesaid, continuing the payment of such sums as they, in their judgment, may award such officer. It shall be the duty of such trustees to carefully inquire into the circumstances, and if satisfied that any member of the police force, in the actual performance of his duties, and in consequence of the performance of such duties, has become bodily disabled, they may order such expenses as they may deem just to be paid out of such fund: *Provided*, That the provisions of this section shall not apply to special policemen appointed at the request and expense of private parties.

Proviso.

Estimate of  
amount of money  
to be raised  
for maintenance  
of the police  
force.

SEC. 8. It shall be the duty of such commission to present to the controller, to be by him submitted to the common council, at the same time that the estimates for taxes for other city



purposes are prepared, an estimate showing the amount of money necessary to be raised for the ensuing fiscal year, for the maintenance of the police force of the city of Port Huron, which amount shall be itemized to show all purposes for which any expenditure of money is necessary, including the salary of the chief of police, policemen and other members of such force. It shall be the duty of the controller and treasurer to keep such fund intact and separate from other funds in like manner as is provided by the provisions of this charter for other funds, and the amount of money raised for the purposes of the police commission shall be under the exclusive control of the said commission, and it shall be the duty of the controller to draw warrants on the treasurer to be paid out of such fund and for such sums and for such purposes as may be directed by resolution of the said police commissioners, and it shall be the duty of the treasurer to pay such warrants: *Provided*, That so much of the fund annually raised for police purposes as is provided and is necessary to pay the salary of the chief of police and other members of said force, shall not be nor shall any portion be used for any other purpose than the payment of such salaries, and any expenditure authorized or indebtedness incurred by the said police commissioners in excess of the amount raised for police purposes, after deducting the amount provided for salaries as aforesaid, shall be void and of no effect. That sections twenty-nine, thirty, thirty-one and thirty-two of chapter fifteen, and sections one, two, three, four and five of chapter twenty-one of said charter are hereby repealed.

To be kept separate from other funds.

Duty of controller.

Duty of treasurer.

Fund annually raised for police purposes not to be used for any other purpose.

Sections repealed.

This act is ordered to take immediate effect.

Approved April 17, 1895.

[ No. 382. ]

AN ACT to revise and amend the charter of the city of Saginaw, and to amend sections two, five, ten, eleven, twelve, fourteen, fifteen, twenty and twenty-six of title two; sections thirteen, fifteen and nineteen and paragraphs nine, fourteen and thirty-six of section eight, of title three; sections five, six, seven, nine and twenty-one of title four; sections one, two, four, six, ten, eleven, thirteen and seventeen of title five; sections three, four, fourteen, sixteen, eighteen, nineteen, twenty, twenty-two and twenty-eight of title six; sections five, eight, thirteen and sixteen of title ten; sections seven and eight of title twelve; section thirty-three of title fourteen; sections two, five, fifteen, sixteen, nineteen, twenty and twenty-three of title fifteen; sections thirteen, fourteen, twenty-one and twenty-two of title sixteen; and to repeal section twenty-five of title six; of act four hundred fifty-five of the local acts of eighteen hundred eighty-nine, entitled "An act to annex the territory embraced within the city of East Saginaw to that of the city of Saginaw, and to

consolidate the city of East Saginaw with Saginaw, under the name of the city of Saginaw; to specify and fix the boundaries of the consolidated city; to provide for the assuming and payment of the indebtedness and liabilities of the present cities of East Saginaw and Saginaw, and for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of the said city of Saginaw as so consolidated, and to repeal all acts inconsistent herewith," as amended by act two hundred fifty-seven of the local acts of eighteen hundred ninety-one, approved March twenty-eighth, eighteen hundred ninety-one, and by act four hundred two of the local acts of eighteen hundred ninety-three, approved May twenty-third, eighteen hundred ninety-three, and to add a paragraph to section eight of title three, to be numbered thirty-seventh; and a section to title twelve to be numbered fifteen; and to add a new title thereto, numbered seventeen, providing for a board of estimates and specifying the duties thereof, and also a new title numbered eighteen, empowering said city to purchase or build, maintain and operate a lighting plant; and to repeal all acts and parts of acts inconsistent herewith.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections two, five, ten, eleven, twelve, fourteen, fifteen, twenty and twenty-six of title two; sections thirteen, fifteen and nineteen and paragraphs nine, fourteen and thirty-six of section eight, of title three; sections five, six, seven, nine and twenty-one of title four; sections one, two, four, six, ten, eleven, thirteen and seventeen of title five; sections three, four, fourteen, sixteen, eighteen, nineteen, twenty, twenty-two and twenty-eight of title six; sections five, eight, thirteen and sixteen of title ten; sections seven and eight of title twelve; section thirty-three of title fourteen; sections two, five, fifteen, sixteen, nineteen, twenty and twenty-three, of title fifteen; sections thirteen, fourteen, twenty-one and twenty-two of title sixteen, of act number four hundred fifty-five of the local acts of eighteen hundred eighty-nine, entitled "An act to annex the territory embraced within the city of East Saginaw to that of the city of Saginaw, and to consolidate the city of East Saginaw with Saginaw, under the name of the city of Saginaw; to specify and fix the boundaries of the consolidated city; to provide for the assuming and payment of the indebtedness and liabilities of the present cities of East Saginaw and Saginaw, and for the ownership of all their corporate property and rights, to define the corporate rights, powers and privileges of said city of Saginaw, as so consolidated, and to repeal all acts inconsistent herewith," as amended by act number two hundred fifty-seven of the local acts of eighteen hundred ninety-one, approved March twenty-eighth, eighteen hundred ninety-one, and by act number four hundred two of the local acts of eighteen hundred ninety-three, approved May twenty-third, eighteen hundred ninety-three, be and the same is hereby amended, and a paragraph added to section eight of title three

of said act, to be numbered thirty-seventh, and a section added to title twelve to be numbered fifteen; and a new title added thereto numbered seventeen, providing for a board of estimates, and specifying the duties thereof; and also a new title added thereto numbered eighteen, empowering said city to purchase or build, maintain and operate a lighting plant, and that said amended and added paragraphs and sections, and added titles, read as follows:

Title added.

## TITLE II.

SEC. 2. No person shall be eligible to either of said elective offices, unless he shall then be a citizen and resident of said city, nor shall he be eligible to any such office for any ward or district, unless he shall then be a citizen and resident of such ward or district; and when any officer elected or appointed for said city, shall cease to reside in said city, or if elected or appointed for any ward or district, he shall cease to reside in such ward or district, his office shall thereby become vacant.

Qualifications of officers.

SEC. 5. The common council shall, at the first regular meeting in the month of January, A. D. eighteen hundred and ninety-three, or as soon as may be thereafter, appoint by ballot a city assessor; and at the third regular meeting after the annual elections under the charter, or as soon as may be thereafter, appoint by ballot one city attorney, one city physician, one or more health officers and their assistants, one controller, one city clerk, one director of the poor, one chief of the fire department, one clerk of justices courts, in the year eighteen hundred ninety-four, and annually thereafter, and appoint all members of the several boards of public works, water commissioners, cemetery commissioners, police commissioners, board of assessment and review, board of estimates and board of light commissioners as provided in this act; and thereafter as vacancies occur, fill the same by like appointment, who shall hold office as follows: City clerk, three years; city controller, three years; chief of fire department, three years; city assessor, three years; city attorney, three years; and director of the poor, two years; clerk of the justice courts, one year; city physician and health officer, one year; the members of said several boards for the period stated in the other titles of this charter; one cemetery commissioner for the term of two years: *Provided*. Nothing herein contained shall be construed as shortening the term of any officer now holding office. The assessor, controller and director of the poor may each appoint a deputy, subject to the approval of the common council, for whose acts they shall respectively be responsible, and who shall have the power to perform the duties of said officers respectively in case of the death, absence or disability of either of said officers. The common council may also appoint one keeper of the workhouse, almshouse or hospital, an inspector of gas or gas meters, clerk of city markets or for city officers, inspectors of

Officers to be appointed by common council.

Their terms of office.

Proviso.

Certain officers may appoint deputy.

Common council may appoint other officers.

Their terms of office.	firewood, hay or provisions, poundmasters, harbormasters, sealers of weights and measures, weighmasters, fire wardens, scavengers and such other officers or boards of officers as are herein provided for or the common council may deem necessary, or which may be created by law or by the ordinances of said city, made pursuant to the provisions of this charter; and such appointment shall be made in such manner as the common council shall authorize and direct, and all such appointees shall hold their offices during the pleasure of the common council.
Inspectors of election.	<p>SEC. 10. There shall be a board of inspectors of election in each ward, or in case of the division of any ward into election districts, then in each of said districts. Said board shall be composed of four members, to consist of the supervisor and aldermen of each ward, when eligible, and not prevented for any reason from serving, and citizens of said ward to be selected in the manner herein provided; at least one week prior to any municipal, general or special election, the common council shall designate such a number of citizens of said ward as shall, together with the supervisor and aldermen thereof, who are eligible and intend to serve, constitute two inspectors for each district or each ward not divided into districts. At the hour for opening the polls at any such election, the electors of the district or ward present at any polling place, shall choose <i>viva voce</i> such number of the electors of said ward to serve as inspectors as shall, with the said inspectors previously appointed, supervisors and aldermen present, constitute such board of four inspectors, who shall be the inspectors of election for that district or ward during that election. The supervisor of the ward, if present, shall act as chairman of said board, but if not present the board shall select one of their own number as chairman. Said board shall also choose one of their own number to act as clerk and shall appoint one other elector as second clerk of said board. Each of said persons so appointed as inspectors of election and clerk, shall take the constitutional oath of office; each of said board shall be authorized to administer such oath or any oath required to be taken by any person at said election. In case of the inability of any of said inspectors to serve during the time of said election, the vacancy on said board may be filled by <i>viva voce</i> vote of the electors present. Said inspectors and clerks of election shall receive such compensation for their services as shall be fixed by the common council prior to said election.</p>
Manner of choosing.	
Supervisor to act as chairman.	
Clerk.	
Inspectors to take constitutional oath.	
Filling vacancy.	
Compensation.	
Vote by ballot.	<p>SEC. 11. At all elections held under this act the electors shall vote by ballot, to be prepared, printed and furnished in the manner, now or hereafter provided by the general laws of this State. Such elections shall be conducted as near as may be in the manner now or hereafter provided for holding general elections in the State, except as herein otherwise provided; and the inspectors of such election shall have the same power and authority for the preservation of order, and for enforcing obedience to their lawful commands, during the time of holding the election and the canvass of the votes as are or may</p>
Conduct of elections.	

hereafter be conferred by law upon inspectors of election in this State. The common council shall provide the necessary ballot boxes for each ward and election district, with locks and keys, in which ballot boxes votes cast shall be deposited.

SEC. 12. The council shall, at least ten days previous to any municipal election, appoint a board of three election commissioners, not more than two of whom shall belong to the same political party, who shall be the board of election commissioners, for such city for such election, and they shall perform such duties relative to the preparation and printing of ballots for city or ward elections, as are required by law or of the boards of election commissioners of counties.

SEC. 14. Immediately after the closing of the polls the inspectors of election shall forthwith, without adjournment, publicly canvass the votes received by them, and declare the result; and shall on the same day make a certificate stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election, or as soon as completed, with the clerk of the city.

SEC. 15. It shall be the duty of the inspectors of election, on receiving the votes, to cause the same, without being opened or inspected, to be deposited in the proper box provided by the common council for that purpose; the said board shall also write down, or cause to be written down, the name of each elector voting at such election, in a poll list to be kept by said inspectors of election, or under their direction. The manner of canvassing and counting thereof shall be the same as is now or may hereafter be provided by the general laws of the State for the canvass and count of votes by inspectors of election.

SEC. 20. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, except mayor, alderman and justice of the peace, the common council may, in their discretion, fill such vacancy by the appointment of a suitable person, who is an elector, and if appointed for a ward, who is also a resident of the ward for which he shall be appointed, and any officer appointed to fill a vacancy, if the office is elective, shall hold by virtue of such appointment, only until the tenth day after the election next succeeding. If an elective office which shall have become vacant was of that class whose terms of office continue after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

SEC. 26. At all city elections, every elector shall vote in the ward and district where he shall have resided twenty days next preceding the day of election, otherwise he may vote in the ward and district from which he removed: *Provided*, He shall have resided in said ward twenty days prior to such removal. The residence of an elector under this act shall be the ward where he boards or takes his regular meals.

## TITLE III.

SEC. 8. The ninth paragraph of said section eight, title three, shall be amended so as to read as follows:

Horse-racing,  
etc.

Leaving horse  
untied.

Dogs and dog  
fights.

*Ninth*, To prevent and punish horse-racing and immoderate riding or driving in any street, and to authorize the stopping and detaining of any person who shall be guilty of immoderate riding or driving in any street; and to prevent any person from leaving a horse or horses, or other animal, standing upon the streets of said city, without being securely tied, held or fastened so as to prevent their escape;

*Fourteenth*, To regulate or prevent the running at large of dogs; to impose taxes upon the owners of dogs and to punish dog fights and those engaged in aiding and abetting the same, in the streets and elsewhere in said city; to provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses; to require them to be muzzled and to authorize the killing of dogs not licensed or running at large in violation of the ordinances of the city; and to authorize the killing of dogs impounded, which shall not be redeemed within the time prescribed by the ordinance regulating the same;

Paragraph thirty-six of said section eight shall be amended so as to read as follows:

Telegraph  
poles, etc.

*Thirty-sixth*, To regulate the putting up, taking down, repairing and maintaining of telegraph, telephone and electric light, power and electric street railway poles and wires;

And said section eight shall be amended by having added thereto paragraph thirty-seven, to read as follows:

Hotels, etc.

*Thirty-seventh*, To license and regulate the keepers of hotels, taverns, restaurants and other public houses, grocers and keepers of ordinaries, saloons and victualing and other houses or places for furnishing meals or food; to restrain, license and regulate saloons, and to regulate and prescribe the location thereof.

Potter's field.

Street to  
cemetery.

SEC. 13. The common council shall have power to purchase a potter's field within or without the city limits, for the burial of the city poor, and make such rules and regulations concerning the same as they may deem necessary. The common council may construct, grade, gravel, pave, plank or repair any street, road or highway without the corporate limits of the city, leading to the cemetery owned by it and known as Oakwood cemetery, and may join with the township of Saginaw in constructing, grading, graveling, paving, planking or repairing from time to time any such street, road or highway, leading to said cemetery, on such terms and conditions as may be agreed upon, with the township board of said township. All sums expended by the common council upon such road or highway to be paid out of the general highway fund of the western taxing district. The common council shall also have the power, whenever in their opinion the necessities of the city require, to cause to be constructed by the board of public

How paid for.

Alms-house.

works of said city, a city almshouse, and a city market or markets, or other necessary public buildings; to acquire by purchase or otherwise all necessary lands whereon to locate the same, and to appoint the keepers, clerks and necessary officers thereof, and may make such regulations concerning the same as the common council may think proper; but no such public buildings shall be constructed or built until said common council shall be authorized to levy a tax therefor, as provided in section two of title five of this act.

SEC. 15. On the last Monday in the month of March in each year, or as soon thereafter as may be, the controller, in addition to the duties herein prescribed, shall audit and settle the accounts of all officers and other persons having claims against the city, or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each, the amount of taxes raised for the general contingent expenses, the amount raised for lighting and watching the city, the amount of highway taxes and assessments, the amount of assessments for opening, paving, planking, repairing and altering streets, and building and repairing bridges, the amount borrowed on the credit of the city, and the terms on which the same were obtained, and such other information as shall be necessary to a full understanding of the financial concerns of said city, and present the same to the common council of said city. The said statement shall be filed with the papers of the city, but it shall not be necessary to publish the same in full in the proceedings of the common council.

SEC. 19. The common council shall have the power to direct the deposit of all moneys, bonds, papers and evidences of value in any bank or banks, and to contract with any such bank or banks for the safe keeping of all public moneys, and for the receipt of interest at a rate not exceeding eight per cent upon such moneys of the corporation deposited with such bank or banks, and to be drawn on account current from such bank or banks by the corporation or proper officer thereof, and such interest shall belong and be credited to the sinking fund: *Provided*, That when the common council has directed the treasurer to deposit said money with any bank or banks, such bank or banks shall give a bond to the city, with sureties in number and in amount to be approved by the common council, sufficient to protect the city from loss. No such bond shall be received and accepted or approved by any officer, committee or said common council, unless the surety or sureties signing such bond shall first have justified their pecuniary responsibility over their signature, in writing, endorsed on said bond or attached thereto. And before any such bond shall be received and approved or accepted, the justification of the sureties thereof shall, in the aggregate, equal the penal sum of the bond, and show that the sureties thereon are worth in unin-

Auditing and settling accounts.

Annual financial statement.

To be filed.

Deposit of moneys.

Depository to give bond.

Sureties on to justify.

Justification shall equal penal sum.

Oath administered by whom.	cumbered property, not exempt from execution under the laws of this State, the penal sum thereof, after payment of all just debts, claims and liabilities. Such oath of justification shall be administered by some officer authorized by law to administer oaths, and any person knowingly or wilfully making any false statement of his pecuniary responsibility in such justification, shall be guilty of perjury, and liable, upon conviction thereof, to the penalty for perjury. Any person or persons receiving or accepting, or approving any such bond, without such justification, shall be guilty of a misdemeanor, and shall further be liable for all damages that may be sustained or incurred by the city, by reason of such defective bond being accepted or approved.
Penalty for false swearing.	
What misdemeanor.	

## TITLE IV.

Duty of assessor to assess all property liable to taxation.	<p>SEC. 5. It shall be the duty of the assessor annually to assess all the property in said city liable to taxation under the laws of this State now or hereafter in force for the purpose of levying the taxes lawfully imposed thereon, and who shall, for the purpose of making such assessment, have all the powers and perform all the duties of supervisors of townships in this State, subject to the limitations contained in title six. The assessor shall also prepare and make the returns required by law relative to the registration of births and deaths of said city, and perform such other duties as this act imposes. In case of disqualification, inability or absence from the city of the assessor, or vacancy in the office of assessor, the deputy assessor shall perform all the duties of the assessor, and in case the office of assessor shall become vacant, from any cause, the deputy assessor shall act as assessor, until such vacancy shall be filled, and he shall perform such duties as may be prescribed by law or any ordinance of the city. The assessor and his deputy shall each have power to administer oaths and affirmations, whenever necessary to the proper discharge of the duties of the office, and shall receive such compensation for their services in the performance of the duties of such office, as the common council may determine, and the assessor shall be subject to removal for cause the same as other officers appointed by the common council. All abstracts of title belonging to the city, and all deeds, conveyances and evidences of title, shall be kept in the assessor's office, and it shall be the duty of the assessor to keep a list and record of all real estate owned or controlled by the city, and said record shall be properly indexed. The assessor may have a seat in the common council and may speak on all matters relating to the duties of his office; but said assessor and said deputy assessor shall not receive for any duties imposed or services rendered to said city, beside their salaries, any fee or reward whatever, which shall be paid out or withheld from the city treasury.</p>
The assessor to make returns of the registration of births and deaths. Deputy assessor.	
When to act as assessor.	
Power to administer oaths.	
Record of real estate.	
May have a seat in council.	
Duty of clerk.	<p>SEC. 6. The city clerk shall keep the corporate seal and all the papers and files belonging to said city, as a corporation, not properly by this act in the custody of some other officer</p>



thereof, and shall make a full and complete record of the proceedings of the common council, whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal, shall be evidence in all places, when produced, of the matters therein contained. He shall publish all ordinances passed by the common council, at least three times in the official paper of said city, and no ordinance shall take effect until the expiration of at least three days from the date of the first publication thereof, and a record made by the clerk of the said city, or a copy of such record or entry, duly certified to by him, shall be *prima facie* evidence of the time of such first publication. All laws, regulations, ordinances and proceedings of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, board or body in which it shall be necessary to refer thereto, either,

Shall publish ordinances.

Ordinances, etc., may be read in evidence.

*First*, From a copy certified by the clerk of the city, with the seal of the city of Saginaw affixed;

*Second*, From the volume of the ordinances printed by authority of the common council; or

*Third*, From the volume of the official printed proceedings of the common council signed by the clerk, with the seal of the city of Saginaw affixed.

The clerk shall also attest all licenses granted for any purpose whatever by the mayor or common council, and shall enter in an appropriate book, the name of every person to whom a license is granted, and the number and date thereof, the time during which it is to be continued in force and the sum paid for such license. No license, for any purpose granted, shall be valid until thus attested by the clerk. Said clerk shall also sign all orders drawn upon the city treasury, for claims allowed by the common council. He shall sign all cemetery deeds and all contracts awarded by the board of public works, and countersign all bonds and other like evidences of debt. He shall also act as the clerk of the recorder's court, of the board of public works, the board of health, the board of estimates, and the board of police commissioners of said city; and when so required by the standing committees of the common council, and perform such other duties as may be required by law of the township clerks, so far as applicable under this act or the ordinances of the city. He may also appoint a deputy city clerk for whose acts he shall be responsible. Such deputy shall hold his office during the pleasure of the clerk, and may perform any act or duty devolving upon the city clerk, and in case the office of the city clerk shall become vacant from any cause, said deputy shall act as clerk until such vacancy shall be filled, and he shall have such salary as the common council shall fix. The clerk of each police station shall receive, record and care for the property and money mentioned in section eleven, title eleven, of this charter, for the city clerk, and shall before entering upon the duties of his office or receiving any such property or money, give a bond to the city clerk, in a penalty of not less

Attest licenses.

Sign orders and other papers.

Act as clerk of certain bodies.

Tenure of office.

Clerk to care for property.

Ordinances to be published.	than fifteen hundred dollars, conditioned to keep a correct and true record of all such property and money, and to faithfully account for and turn the same over, and to indemnify the said city clerk for all loss, damage or injury, which he may suffer by reason of his failure to perform said duties. All votes, ordinances, resolutions and proceedings of the common council shall, except as herein otherwise provided, be published at least once by the city clerk, in the official paper of said city, within eight days after the session of the common council, in which the same were had or passed.
Duties of treasurer.	SEC. 7. The treasurer shall receive all moneys belonging to the city, including school moneys, and shall receive all taxes of said city, levied by order or authority of the common council or board of education, except as herein otherwise provided. The treasurer shall also collect all rents, interest, claims and dues to said city arising from rentals, leases, sales of property, or claims of any other nature whatever, not herein otherwise provided for. He shall hold all bonds, notes, mortgages and other evidences of debt or value belonging to said corporation. He shall deposit the moneys of the city under the direction of the common council, and the school moneys under the direction of the respective boards of education, and shall keep an accurate account of the same and of all receipts and expenditures thereof, and with every fund or appropriation thereof made by this act, and by the authority and direction of the common council. He shall pay no money out of the treasury, except in pursuance of or by authority of the law, or in satisfaction of warrants drawn by order of the common council, signed by the city clerk and countersigned by the controller; or of coupons and bonds regularly and lawfully issued by said corporation; or in case of school moneys, on orders drawn by the president and secretary of the board of education entitled thereto. He shall keep an accurate account of, and report to the common council once in two weeks, a detailed statement of all taxes collected and moneys received, as well as moneys disbursed, and a trial balance thereof, a copy of which report shall be filed with the controller, and at the end of every quarter shall make a full settlement with the controller and finance committee of the common council, producing the vouchers of all transactions, which vouchers shall be canceled by said controller and committee, and the result of said settlement reported to the council. Bonds and coupons shall be paid out of the particular funds constituted or raised for the purpose for which the same are issued, and warrants shall be paid only out of moneys in the funds upon which the same are drawn, as written upon the face thereof. Whenever any warrant is presented for payment, if there is no money in the fund upon which such warrant is drawn, the treasurer shall endorse the date of such presentation on the back of such warrant, which shall thereafter draw interest, at the rate of six per cent per annum, for a period not exceeding six months, unless the same shall be again presented for payment and endorsed; and the treasurer shall compute interest as above provided, and pay the same
To make quarterly settlements.	
Payment of bonds.	

when each warrant is redeemed, and charge the amount so paid for interest to the interest fund: *Provided*, That warrants drawn for special improvements shall not draw interest. The treasurer's office shall be in the city hall, where the books and accounts in his charge belonging to the city, shall be open to the inspection of any taxpayer of said city, at reasonable hours in any week day, and where all bonds, coupons and warrants shall be presented for payment; and the treasurer shall not discriminate as to parties holding bonds, coupons, warrants or other lawful demands, and shall pay them only when presented at his office, unless a different place be named in such bond or other demand. The city treasurer shall collect all the State and county taxes assessed and imposed upon the real and personal property of said city, and also all city, highway, sewer and school taxes, and all such special taxes as may be from time to time levied by the common council for the improvement of streets, the construction of sidewalks, or any other purposes authorized by this act or the laws of this State, as may be placed in his hands for collection by the controller or other proper officer of said city; and the warrant of the controller of said city shall confer full power and authority upon said treasurer to collect by levy and sale, all the taxes set forth upon any copy or transcript of any general or special roll so placed in his hands, the same as warrants made by supervisors of townships under the laws of this State, and such treasurer shall give receipt for all taxes collected by him, and mark the same paid upon the proper rolls, and shall, on Monday of each second week deposit with the controller a detailed statement of all the collections so made, and shall make due returns of all rolls and the uncollected taxes thereon as required by the warrant of the controller, the provisions of this act and the laws of the State: *Provided*, That the returns of all State and county taxes shall be made direct to the county treasurer of the county of Saginaw. The city treasurer shall appoint one or more deputy treasurers subject to the approval of the common council. Such appointment shall be in writing and shall be filed with the clerk and submitted to the council; such deputy shall have all the power and authority of the city treasurer so far as relates to the collection of taxes subject to the control of the treasurer; and the treasurer shall be responsible for all the acts of his deputy and shall pay him for his services. The treasurer shall obey all the orders and resolutions of the common council not inconsistent with the provisions of this act and shall turn over to his successor in office all moneys, books, papers and property of every kind and description due and belonging to said corporation on demand.

*Proviso as to warrants drawn for special purposes.*

*Treasurer's books to be open to inspection.*

*Treasurer to collect State and county taxes.*

*Proviso as to return of certain taxes. May appoint deputies.*

SEC. 9. The city attorney shall be an attorney and counselor at law in good standing and admitted to practice in all the courts of the State. He shall, on application of the common council or of any officer of the city furnish advice relative to all matters of law in the discharge of their duties, appear in behalf of the city, and of all public boards thereof, in all

*Duties of city attorney.*

Salary of.	suits, and perform such other legal duties as may be prescribed by ordinance. The city attorney shall receive an annual salary, to be fixed by the common council, but shall not receive for any duties imposed, or services rendered to said city during the term of his office, besides the salary, any fee or reward whatever, which shall be paid out or withheld from the treasury of said city, except for services as supervisor in attending the sessions of the board of supervisors, for which service the same compensation shall be allowed as to other supervisors.
Boards to recommend salary of officers and employees.	SEC. 21. On or before the last Monday of April in each year, the board of public works, the board of police commissioners, the board of water commissioners, the board of superintendents of the city cemeteries, and the committee on fire department of the common council, shall recommend to the common council the salary to be paid to the several officers and employees of said respective boards and department for the ensuing year. And the common council shall annually, at their first regular meeting in the month of May, or as soon thereafter as may be, determine or fix the salary or compensation to be paid to the several officers of said city, and they may also from time to time establish fees and compensation of all officers appointed by them, whose fees or salary are not prescribed by law, and whose compensation for service is required to be paid out of the city treasury: <i>Provided</i> , That the salary of the officer selected by the people, and of those appointed or confirmed for a fixed term, by the common council, shall not be reduced during their respective terms of office.
How salary fixed.	
Proviso.	

## TITLE V.

Resources, etc., of city to be controlled by common council, to be designated in the following funds.	SECTION 1. The resources and moneys of the corporation shall be controlled by the common council, as herein provided; and the said common council is hereby vested with the power to order assessments, direct the levying of taxes, and provide for the collection of the same, under the provisions and restrictions in this act contained; and all assessments, taxes and revenues of said corporation shall be paid into and form a part of one of the following named funds, viz. :
General fund.	<i>First</i> , General fund, which shall be appropriated to defray the expenses of the city of Saginaw, for the payment of which out of some other fund, no provision is herein or otherwise made;
Highway fund.	<i>Second</i> , Highway fund, to defray the expenses of repairing paved, graded, planked and improved streets, and for the construction and repair of crosswalks, bridges, drains, culverts, the cleaning of streets, sidewalks, drains, parks, public places and such other general highway purposes as the common council may direct;
Fire department fund.	<i>Third</i> , Fire department fund, which shall be appropriated to defray the expenses of purchasing lots, erecting engine houses thereon, purchasing engines and other fire apparatus, paying

the regularly appointed firemen of the city, and all other expenses incident and necessary to the maintenance of the fire department of said city;

*Fourth*, Sinking fund, to pay and discharge the principal and interest of the bonded indebtedness of the city, of every description, provision for the payment whereof is not otherwise made; to this fund shall be credited and paid, at the end of each fiscal year, all interest and penalties received on delinquent taxes and assessments; Sinking fund.  
Interest and penalties.

*Fifth*, Sewer fund, to defray the expenses of constructing the public sewers of the city; Sewer.

*Sixth*, Sewer contingent fund, to defray the expenses of repair, alteration and maintenance of the public sewers; Sewer contingent.

*Seventh*, Sewer bond and interest fund, to redeem and pay the bonded indebtedness of said city, and the interest thereon; Sewer bond and interest.

*Eighth*, Street improvement, bond and interest fund, to pay all bonds with interest thereon, issued in pursuance of section twenty, title six, of this charter; Street improvement bond and interest.

*Ninth*, Poor fund, to defray the expenses of providing for and taking care of the poor of the city; Poor.

*Tenth*, Street improvement fund, to be assessed, levied and collected as hereinafter provided in title six of this act: Street improvement.

*Provided*, That where said several funds belong to the eastern or western taxing district as in this act provided, they shall be so kept and designated; Provido.

*Eleventh*, Lighting fund, to defray the expenses of operating, maintaining and extending the lighting works of said city; Lighting.

*Twelfth*, Such other funds as are herein provided for, or as the common council may constitute for special purposes not inconsistent with the provisions of this act, not to be taken from any of the funds above provided for, except the general fund. Other funds.

SEC. 2. For the purpose of defraying the ordinary expenses and liabilities incurred by said city, and paying the same, the common council may, with the approval of the board of estimates as in this charter provided, raise annually by tax levied upon the real and personal property within said city, such sum as they may deem necessary for the several funds hereinbefore specified, not exceeding the following per cent, on the valuation of the real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment roll of the year preceding the levying of such tax for the following funds, viz. : Authority of council to raise money.  
Limitation.

General fund, eleven-twentieths of one per cent;

Highway fund, one-half of one per cent;

Lighting fund, one-fifth of one per cent;

Fire department fund, one-fourth of one per cent;

Sinking fund, one-tenth of one per cent.

If the common council shall deem it expedient for the purposes of the city, to levy a larger tax than is allowed by this section, they may, by giving ten days notice, by publishing the same in a newspaper published in said city, and posting a When larger tax deemed expedient.

Public meeting. notice thereof in three public places in each ward in said city, call a meeting of the tax paying electors of each ward of said city, to be held on a day designated in said notice at some place designated in each election district of said city, and the said taxpayers may then and there vote to levy, assess and collect a further money tax upon all the real and personal property in said city, in such sum as shall be decided by a majority vote of all the tax paying electors voting at such election; and such tax shall be levied, assessed and collected, in the same manner as is provided for the levying or collection of other taxes mentioned in this act: *Provided*, That the manner of voting at such meeting shall be by ballot, and that no person shall vote at such meetings who is not a taxpayer and elector in said city, and a resident of the ward and district in which he offers to vote, and who was not assessed on the last city tax roll.

Proviso. Said election shall be conducted as far as possible in the manner provided for conducting general and special elections in said city, and the inspectors of such election shall have the power to require any person offering to vote thereat to be sworn as to his qualifications to vote at such meeting, and if such person should swear falsely in reference to his qualifications to vote at such election, he shall upon conviction thereof be deemed guilty of the crime of perjury and be punished therefor.

Conduct of election.

Common council to submit estimates. SEC. 4. The common council, after revising, altering and approving the estimates submitted to it by the controller, as provided by section four, title four, shall, on or before the first Monday in May, transmit the same, together with an estimate of any other taxes approved by it, to be raised for the ensuing year, for the approval of said board of estimates, as provided in this charter, and all propositions and resolutions for the borrowing of any money on the credit of the city, or issuing any bonds, shall also in like manner be submitted to the board of estimates, except as herein otherwise provided. It shall be the duty of the common council, on or before the third Monday in May of each year, to determine, by resolution, the amount necessary to be raised by tax for the city purposes, within said city for such year; which amount shall not for any purpose, exceed the amount therefor approved by the board of estimates, except as in this charter otherwise provided; and it shall be the duty of the city clerk to certify the amount so to be raised to the assessor, who shall assess the sum so certified, and such other taxes as may be required by law, upon the taxable property of said city.

Council to cause estimates to be made. SEC. 6. The common council shall appoint five qualified electors and taxpayers of said city, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years, and annually thereafter appoint one such elector for the term of five years, who shall constitute the board of review of said city, and shall be entitled to such compensation for their services as members thereof as the common council may fix. The said board shall meet at the office of the city assessor,

Board of review.

on the last Monday of April in each year, at nine o'clock in the forenoon, and organize by electing one of their members president, and the assessor shall act as clerk of said board. The clerk of the city shall give notice of the time and place when and where said board of review will meet, and the length of time the same will remain in session for the review and correction of such assessment roll, by publication thereof in the official newspaper of the city, and by posting printed copies of the same in at least twenty public places in each ward of the city, at least ten days prior to the time fixed for the commencement of its session. Said board shall thereupon proceed to fully review the annual assessment of the taxable property, real and personal, of said city, made by the assessor and by him to be submitted by said board. The board shall have power and it shall be their duty to so alter, amend and correct said assessment of the persons and property on said roll as to equalize the same. They shall have the power to add to said assessment roll any person or property which may have been omitted therefrom, and to strike from said roll any property or person not subject to taxation: *Provided*, That no assessment shall be increased, nor person or property added to said roll, except upon notice to the person to be affected thereby, served, in the case of a resident of the city, personally, or by leaving the same at his usual place of abode twenty-four hours before any action is taken by the board in respect to such assessment, and in the case of a non-resident, by one publication in any daily newspaper published in said city. Said board shall keep a record of their proceedings, and no assessment shall be made or changed except by a majority vote of said board, taken by ayes and nays, and entered at large upon the record.

Meeting and organization of.

Duty of clerk.

Powers and duties of board.

Proviso.

Keep record.

SEC. 10. Before delivering said roll to the treasurer, a warrant shall be issued and annexed to such tax or assessment roll, signed by the controller and under the corporate seal of the city, directed to the treasurer, commanding and authorizing him to collect from the persons named in said assessment roll, the tax or assessment therein set forth, due from such persons and unpaid on said roll on the first Monday in November next ensuing, together with interest at the rate of one per cent per month, from and after the first day of the preceding August, for the benefit of said city, together with such collection fee as the common council may, by resolution or ordinance, prescribe, not exceeding three per cent, as compensation for the services of said treasurer in collecting the same, and for such purpose, if necessary, to levy upon and sell the personal property of any person or persons named in said roll, refusing or neglecting to pay the same, wherever such personal property may be found within the limits of the county of Saginaw, which warrants shall be returnable on the first day of March next ensuing: *Provided*, That if at any time after the first day of August and before the first day of November next ensuing, the city treasurer shall become apprehensive of the loss of any personal tax on said roll, if the collection thereof be delayed until said first Monday in November, he may proceed

Warrant of controller to be annexed.

Compensation of treasurer.

Proviso.

to enforce its collection at any time, by distress and sale of the property of the person against whom such tax is assessed, or he may bring suit for collections of such tax, and if compelled to seize property or bring suit, he may add to such tax two and one-half per cent for collection fees.

Notice to be  
given by  
treasurer.

SEC. 11. Upon the receipt of the tax roll by the treasurer, as hereinbefore provided, the taxes thereon shall become and be due and payable, and the treasurer shall forthwith, upon receipt of the said tax roll, give notice, by publishing for three successive days, in one or more newspapers printed and circulated in said city, and by posting the same in at least six public places in each ward of said city, that the general city tax roll has been deposited with him for collection, and that payment of the taxes therein specified may be made to him without addition to taxes paid before the first day of August then following, but that an addition of one per centum upon all unpaid taxes will be made thereto on that day, and a like addition of one per centum will be made for each month thereafter, until the first day of March next following; and that the payment of all taxes remaining unpaid on the first Monday of November, will be enforced by levy and sale of any personal property which may be found in said county of Saginaw, belonging to the person against whom such tax is assessed, which notice shall be a sufficient demand for the payment of all taxes upon said roll. Upon receipt of any tax, the treasurer shall mark the same paid upon the proper roll, adding after the word "paid," the day and month when paid, but it shall not be necessary in the receipt for the taxes, unless demanded, to state all the several taxes in detail, but it shall be sufficient to state the total thereof, and the one per cent of any total, represented by the several taxes upon the roll, with interest and charges, if any.

Entry on roll of  
tax paid.

Tax assessed to  
be lien.

SEC. 13. Every assessment or tax levied or imposed by the authority of the common council, or of this act, except where otherwise provided, shall constitute a charge against the person to whom assessed, from the date of the delivery of the tax roll to the city treasurer, and shall, together with all interest and charges, become and remain until paid, a lien upon the lands and tenements against which the same is assessed, from the date of such delivery, and all personal taxes so levied or imposed shall also be a lien on all personal property of such persons so assessed from and after the delivery of said tax roll to said city treasurer, and shall take precedence of any sale, assignment or chattel mortgage, levy or lien, on such personal property, executed or made thereafter, except where such property is actually sold in the regular course of trade. All proceedings for the levy and assessment of said taxes shall be presumed to be regular and valid. All provisions of law respecting the return and sale of property for the non-payment of taxes for State, county and township purposes, shall apply to the return and sale of property for the non-payment of such city taxes, including all taxes carried into said city tax roll, from any special assessment roll, except as herein otherwise

Taxes take  
precedence.

Proceedings  
deemed regular.



provided. The county treasurer of Saginaw county, shall, on demand, and as fast as the same are received, pay over to said city the full amount of all city taxes returned delinquent for non-payment, received by such county treasurer, together with the interest and collection fee thereon, and he shall also, as soon as the same are received by the county, pay over unto said city the net proceeds of the sale of all property so returned delinquent for the non-payment of city taxes of said city or of the former cities of Saginaw and East Saginaw.

Delinquent taxes, duties of county treasurer concerning.

SEC. 17. For public improvement and public buildings in said city other than the city hall, the common council may, if thereto authorized by a vote of the taxpayers of said city, as provided in section two, title five, of this act, borrow on the faith of the city, a sum not exceeding one hundred thousand dollars, for a term not exceeding twenty years, at a rate of interest not exceeding six per cent per annum, payable semi-annually, and for that purpose may issue bonds of the city, signed by the mayor and clerk, and countersigned by the controller, and in such form and sums, not exceeding in the aggregate the said sum of one hundred thousand dollars, as the said common council shall direct, and such bonds shall be disposed of under the direction of the common council of said city, upon such terms as they shall deem advisable, but not for less than their par value, and the avails thereof shall be applied only for the purpose of public improvement, and building schoolhouses and other public buildings in said city.

Council may borrow money for public improvements.

Amount limited.

Bonds.

## TITLE VI.

SEC. 3. The common council shall have the power to cause such of the streets and highways in said city, as shall have been used for six years or more as public highways or streets, and which are not sufficiently described or have not been duly recorded, to be ascertained, described and recorded, in the office of the board of public works of said city, in the book of street records, and the recording of such highway, streets, lanes, alleys or public grounds, so ascertained and described, or which shall hereafter be laid out and established by said common council and recorded in the book of street records, in the office of the board of public works, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley or public ground, therein described. And the board of public works is hereby empowered and it is made its duty to determine and establish the grade lines of all streets, highways, lanes, alleys, sidewalks and public grounds in said city, and when such grade is so established a record thereof shall be made in said book of street records, or other book to be provided for that purpose, and when the grade lines of any street, highway, lane, alley or public ground has been so established and recorded, the same shall not be changed except by the unanimous recommendation of said board, and the votes of two-thirds of the members of the com-

Power of council to lay out.

Board of public works to establish grade line of streets.

Lines to be recorded.

mon council, which change shall be recorded in the manner provided for recording the original grade line thereof. And no street shall be graded until the grade line thereof is so established.

Power of council concerning sewers.

SEC. 4. The common council shall have the power to cause the common sewers, drains, vaults, arches and bridges, culverts, wells, pumps and reservoirs to be built in any part of said city; to cause the grading, raising, leveling, repairing, amending, paving, repaving or covering with stone, brick, blocks, plank or other material, any street, avenue, lane, alley, highway, public ground, sidewalk or crosswalk, of said city, but all such improvements shall be done by the board of public works, as herein provided; but no such public improvement shall be made by paving in any way, except upon an affirmative vote of two-thirds of all the aldermen elect, unless a majority of the property owners having property fronting on the place to be so improved shall have petitioned the common council to make such improvement, in which case a majority vote of the council shall be sufficient to order the same.

Section repealed.

SEC. 14. Section fourteen, title six, of said charter of the city of Saginaw is hereby repealed.

Proceedings of council to be matters of record.

SEC. 16. All proceedings of the common council, under the provisions of this title and title ten, shall be matters of record in the proceedings of the common council, and shall not fail on account of any technical or clerical error made by any officer or board, or the common council of said city, nor because of any act not being done at the time or in the manner herein required, nor on account of the property having been assessed without the name of the owner, or in the name of any other person than the owner, or on account of the contract therefor having been let without a sufficient advertisement or any advertisement for bidders, or on account of any other irregularities, informality or omission, or want of any matter of form or substance, in any proceeding that does not prejudice the property rights of the person whose property is taxed, and unless the party complaining of such failure shall show affirmatively that he has been injured thereby; and all such proceedings shall be construed favorably by all courts of this State, and they shall be presumed to be legal and valid, until the contrary is affirmatively shown; and in case that any litigation may arise between the city and any person out of proceedings under this title, the court shall require the complainants to furnish bonds with sufficient sureties to indemnify the city against any loss or damage that may accrue to it from such proceedings, before granting process of injunction against the said corporation. And in any case or proceedings involving the validity of said taxes and assessments the same shall be held valid and sustained for such amount thereof as shall be found to be legally or equitably chargeable against the person or property against which the same is assessed. If two or more parcels of land are assessed together erroneously, the court before which such cause or proceeding is pending, shall, if practicable, ascertain the amount equitably chargeable.

To be construed favorably by courts.

Complainants to furnish bonds.

In case of proceedings involving validity of taxes.

Parcels of land assessed erroneously.

ble against each and sustain such tax or assessment against [such] parcel. And wherever necessary for the enforcement of such special assessment, it may be reassessed as provided in section twenty-eight of this title.

SEC. 18. The building, rebuilding and repairing of all sidewalks in said city shall be done under the direction of the board of public works of said city. If any person shall refuse or neglect to build, repair or rebuild any sidewalks in front of his or her premises of such material and width, in the time fixed by the ordinance of said city, the board of public works shall construct, repair or rebuild the same, and the cost and expense thereof shall be paid out of the highway fund of the proper taxing district of said city, and such cost and expense of building, repairing and rebuilding such walk, may be recovered from the owner or occupant of the land, in front of or adjacent to which such walk shall be built, repaired or rebuilt, with costs of suit or action to be brought by said city in any court of competent jurisdiction, or such costs and expenses may be assessed upon the lands of such owner or occupant, adjacent to such walk, in the same manner as provided for other public improvements. Nothing herein shall be construed as exempting any person from being prosecuted for violating any ordinance of said city relating to sidewalks. If the owner or occupant of any lands in said city shall neglect or refuse to comply with any order of said common council, or board of public works, concerning the repairing or rebuilding any sidewalk in said city, or if such owner or occupant shall suffer any sidewalk in front of his or their premises to be out of repair, so as not to be in a condition reasonably safe and fit for travel, such owner or occupant shall be liable to said city for all damages and costs recovered from said city by reason of such sidewalk being out of repair, and such damages and costs may be recovered by said city, in any court of competent jurisdiction, with costs of suit, and any judgment recovered against said city shall be conclusive evidence of the liability of such owner or occupant to said city: *Provided*, That such owner or occupant shall be notified of the pendency of any suit brought against the city, to recover such damages, and requested to assist in the defense thereof.

SEC. 19. The common council of said city shall have power to compel the owners or occupants of any lands in said city fronting on any street or streets in said city, to deepen or clean out, or both deepen and clean out, the ditches and gutters at the sides of any and all streets in said city, and whenever the common council of said city shall determine that such ditches or gutters need cleaning or deepening, or both, they shall so declare by resolution, and direct the board of public works of said city to notify such owner or occupant of such lands to clean or deepen, or both clean and deepen, such ditch or gutter, in such manner as said board shall direct, within five days from the time of service of such notice, and in case any such owner or occupant shall refuse or neglect to comply with such notice, the work shall be done by the board of public

To be under direction of board of public works. When board may construct.

Proceedings in case of neglect.

Provido.

Ditches and gutters.

Resolutions con-  
cerning to be  
introduced one  
week before  
passage.

Money may be  
borrowed in  
anticipation of  
tax.

Provide limiting  
amount of  
bonds.

Payment of  
bonds.

Assessment for  
payment of  
bonds.

works of said city, and the cost and expense thereof may be recovered by said city, with costs of suit, before any court of competent jurisdiction; and such costs and expenses may be assessed upon the lands of such owner or occupant, and collected in the same manner as other taxes for public improvements. No resolution ordering the building, repairing or rebuilding of sidewalks, in any street in said city, shall be passed by the common council until the expiration of at least one week after such resolution shall have been offered or introduced before said council.

SEC. 20. To meet the expense of improving streets in said city, by paving, grading, graveling, or otherwise, in anticipation of the collection of the assessments and taxes to defray the expense of cost thereof, the common council may, by resolution, with the approval of the board of estimates, authorize and direct the mayor, controller and clerk of said city, to borrow a sum not exceeding one hundred and fifty thousand dollars in any one year for such purpose, and to issue bonds of city therefor, bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, which shall be chargeable to and paid by the proper taxing district: *Provided*, That the total amount of bonds which the common council is thus authorized to issue shall not exceed three hundred thousand dollars outstanding at any one time. Of the amount of bonds which may be issued in any one year, one-fifth shall be made payable in one year, one-fifth in two years, one-fifth in three years, one fifth in four years and one-fifth in five years from the date of issue. The said bonds to be endorsed "street improvement bonds," of the ..... taxing district, and to be numbered or lettered by the clerk consecutively. Said bonds shall not be sold for less than par, and the proceeds of the same shall be paid to the city treasurer, and by him placed to the credit of the "street improvement bond and interest fund," of the proper taxing district. All said bonds shall be paid at maturity, and the common council shall not have the power to authorize the reissue of the same bonds or of bonds to take up said original bonds.

SEC. 22. On or before the first Monday of May, in each year, the common council shall ascertain and determine the amount required over and above the collections made or anticipated to be made therefor, from the special assessments levied in the respective taxing districts under the provisions of section twenty-one of this chapter, to meet and pay the street improvement bonds of said city, and the annual interest thereon, theretofore issued for the benefit of the separate taxing districts of said city, and maturing in the year following the first day of July then next ensuing, and shall, with the approval of the board of estimates, cause the amounts so required to be raised in each taxing district respectively, to be certified to the assessor of said city, to be by him assessed upon all the property, real and personal, thereof. Such amounts the assessor shall spread on the annual tax roll, in the street improvement bond column thereof, upon the

real and personal property of the proper taxing district of said city; and such taxes, when so assessed by the assessor, shall become a lien upon the premises assessed, the same as other city taxes, and so remain until paid, and the payment thereof shall be enforced and collected in the same manner as the annual taxes of said city, and for non-payment thereof, the premises may be sold in the same manner as for the non-payment of other taxes levied in the said city, and when so collected shall be placed to the credit of the street improvement bond and interest fund of the proper taxing district, and shall be applied to the payment of the interest on said street improvement bonds and the principal of said bonds, as they shall fall due, or repayment to the city of the moneys advanced to pay the same, and for investment as provided for in this act and for no other purpose.

Taxes a lien on property assessed.

Sale of premises for non-payment.

SEC. 25. Section twenty-five, title six, of said charter of the city of Saginaw, is hereby repealed.

Section repealed.

SEC. 28. Whenever any special assessment for the improvement of a street or for any other public work, shall, in the opinion of the common council, be deemed invalid, the common council may vacate and set aside the same; and whenever any special assessment shall be so vacated, or shall be held invalid by the judgment or decree of any court of competent jurisdiction, the common council may cause a new assessment to be made. Such assessment shall be made in the manner provided for making original assessments, of like nature, and whenever the tax, or any part thereof, assessed upon any lot or parcel of real estate by the original assessment, has been paid and shall not have been refunded, it shall be the duty of the assessor and controller to apply such assessment upon said lot or parcel, and to make a minute thereof upon the new assessment roll. All the provisions of this act, making special assessments a charge against the persons assessed, or a lien upon the lots and parcels of real estate embraced therein, and also those relating to the collection and return of special assessments, shall, in like manner, apply to such reassessment.

When special assessment deemed invalid.

How new assessment made.

No judgment or decree, nor any act of the council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed, for such an amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceedings might have been lawfully assessed thereon. And no defect, irregularity or omission in the proceedings for making the improvement or doing public work, to pay for which such special assessment is made, which occurred either before or after the letting of the contract therefor, shall affect the right of the city to reassess the same upon the property benefited: *Provided*, The improvement or public work has been actually done or the liability therefor incurred. The provisions of this section and of section sixteen, of this chapter, shall apply to special assessments heretofore made in said city, and in the former cities of Saginaw and East Saginaw, as well as to those which shall hereafter be made.

Lien upon premises assessed not to be destroyed.

Right of city to reassess shall not be affected.

Applies to special assessments.

## TITLE X.

Annual report and estimates to council by board.

May bring in supplemental list.

Council may authorize loan in anticipation of tax.

Proviso.

Bonds, when made payable.

Proceeds to be placed to credit of separate sewer fund.

The amount and number of bonds issued for each taxing district shall be specified.

The respective districts shall be separately taxed for cost of sewers.

Council to annually determine the amount required to pay the sewer bonds and annual interest.

SEC. 5. The said board shall, in the month of March in each year, report to the common council what public sewers or drains they deem necessary to build in the ensuing year, and shall accompany the report with an estimate of the cost of each and all such sewers and drains. And the said board may also, after the month of March in each year, bring in a supplemental list of sewers to be built.

SEC. 8. To meet the expense of the construction of sewers in the eastern and western taxing districts of said city, in anticipation of the collection of the assessments and taxes to defray the cost thereof, the common council may, by resolution, with the approval of the board of estimates, declare the amounts necessary to be so raised for sewers in each taxing district separately, and by like resolution authorize and direct the mayor, controller and clerk of said city to borrow a sum not exceeding sixty thousand dollars in any one year, and for that purpose to issue the bonds of the city, bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, and to pledge the faith and credit of the whole city, for the prompt payment of the principal and interest of the holder thereof, as provided in section thirty of title six: *Provided*, That the total amount of the bonds which the common council is thus authorized to issue shall not exceed two hundred and twenty-five thousand dollars, outstanding at any one time, of the amount of bonds which may be issued in any one year, one-fifth shall be made payable in one year, one-fifth in two years, one-fifth in three years, one-fifth in four years and one-fifth in five years from the date of their issue, all to be endorsed sewer bonds and numbered consecutively. Said bonds shall not be sold for less than their par value, and the proceeds of the same shall be paid to the city treasurer, and be by him placed to the credit of the separate sewer fund of the proper taxing district. All such bonds shall be paid at maturity and the common council shall not have power to authorize the reissue of such bonds or of bonds to take up said original bonds. The amount and number of the bonds issued for each taxing district shall be specified. The proceeds shall be paid into the separate fund of each, and the respective districts shall be separately taxed and pay for the cost of such sewers within their respective limits, and the said bonds issued therefor, and for all advances made by the city for interest or principal thereof, all in manner and form as provided in section thirty of title six.

SEC. 13. On or before the first Monday in May in each year the common council shall ascertain and determine the amount required over and above the collections made or anticipated to be made therefor from the special assessments levied in the respective taxing districts under the provisions of sections eleven and twelve of this chapter, to meet and pay the sewer bonds of said city and the annual interest thereon there-

tofore issued for the benefit of the respective taxing districts of said city, and maturing in the year following the first day of July then next ensuing, and shall, upon the approval thereof by the board of estimates as in this act provided, cause the amount so required to be raised in each taxing district respectively, to be certified to the assessor of said city, to be by him assessed upon all the property, real and personal, thereof. Such amounts the assessor shall spread on the annual tax roll, in the sewer bond and interest fund column thereof, upon the real and personal property of the proper taxing district of the city, and such taxes when so assessed by the assessor shall become a lien upon the premises assessed, the same as any other city taxes, and so remain until paid, and the payment thereof shall be enforced and collected in the same manner as the annual taxes of said city, and for non-payment thereof the premises may be sold in the same manner as for other taxes levied in the said city, and when so collected shall be placed to the credit of the sewer bond and interest fund of the proper taxing district, and shall be applied to the payment of the interest on said sewer bonds, and the principal of said bonds, as they shall fall due, or repayment to the city of moneys advanced to pay the same, or for investment as provided for in this act, and for no other purpose.

When approved by board of estimates to be assessed upon real and personal property.

To be collected in same manner as the annual taxes of said city.

SEC. 16. The said board may prescribe regulations for the use of said sewers and may license persons to open the same. And whenever the common council shall order any portion of any street to be paved, repaved or otherwise improved, and the owner and occupant of any block, parcel or subdivision of land, fronting thereon, shall upon notice in accordance with the ordinance of said city, fail to connect said premises with the public sewer in said street as now or hereafter required, said board of public works may cause such connection to be made, and the pipe carried to the curb line of said street, and the labor and material furnished therefor may be charged against said property, and shall be assessed against the same in the same manner and with the same force and effect as is now or may hereafter be provided by the ordinances of said city, and by title six of the charter for making special assessments.

Board may prescribe regulations for the use of sewers.

## TITLE XII.

SEC. 7. The board of water commissioners shall not have power to incur any indebtedness against the city exceeding the sum of three hundred dollars in amount, without the consent of the common council and the common council shall cause to be paid all bills legally incurred and audited by said board of commissioners and the vouchers therefor shall be filed with the secretary of said board, and, when required, copies thereof shall be furnished to the controller. The said board shall, on or before the second Monday in March in each year, make and publish an annual report, which report shall embrace a full statement of the condition and operation of the works, and the

Powers of board limited.

Annual report of to council.

receipts and expenditures of the last year, a copy of which shall be filed with the common council of said city.

Board to make annual report of necessary expenses, etc.

SEC. 8. It shall be the duty of said commissioners, on or before the last Monday in April in each year, to make a report in writing to the common council of said city, what, if any sum of money, in the judgment of said board, will be needed over and above the revenue of said board, to meet the payment of interest or principal of bonds issued, and other current expenses, and the common council may, upon the approval of the board of estimates, raise any sum not exceeding one-half of one per cent upon the assessed valuation of property in said city, as shown by the last preceding assessment roll, which it deems necessary for such purposes, by tax upon the proper taxing district, in the same manner as general taxes, to be designated a water tax. Said title twelve is hereby amended by adding thereto a section to be known as section fifteen, to read as follows:

Section added.

Board may fix a uniform fee for putting in a tap or making private water connections.

SEC. 15. Said board may fix a uniform charge or fee in any street or portion of a street, for putting in a tap or making private water connections with a street main, which charge or fee may include all the costs and expense of labor and material for connecting such main with a service pipe and laying the same from the center of such street to the curb line thereof. And whenever it shall be desirable in anticipation of paving, repaving or otherwise improving any street, to require the owners or occupants of lots, pieces or parcels of land, fronting on the portion so to be improved, to connect such premises with the water main in said street as now or hereafter provided by the ordinances of said city, and if said owner or occupant shall fail to connect the same in compliance with the notice given under said ordinance, said board may then cause the necessary work to be done, to connect said premises with the water main in said street, and furnish the labor and material required therefor, and charge the lot, piece or parcel of land in front of which said private water connection is laid, with the fee or charge for making said connection so established by it as aforesaid. And the same shall be assessed against said real estate in the same manner and with the same force and effect as is now or may hereafter be provided by the ordinances of said city, and by title six of this charter for making special assessments.

#### TITLE XIV.

When trial by jury may be demanded.

SEC. 33. Any person arrested for violating any ordinance of said city may demand a trial by jury, which shall be summoned in the same manner as is provided by the laws of the State of Michigan for trial of criminal cases before justices of the peace, but no jury shall be demanded in any prosecution for acts committed, which are not criminal by the general laws of this State, except upon payment by the defendant of the fees provided by law for payment of the jury fees and for the summoning of a jury in civil cases in justice court, and, in



case of a demand for a trial by jury, some member of the police force of said city shall prepare the list, receive the *venire* and summon said jury.

## TITLE XV.

SEC. 2. Whenever the common council of the city of Saginaw shall deem it necessary, for the use and benefit of the public, to make any such improvement, and to take private property therefor, said council shall, by resolution, so declare, and also describe such property, and designate the purpose for which it is to be taken, and fix and describe a special taxing district embracing only the taxable real estate, which, in the opinion of said council, will be benefited by such improvement. And private property may be taken for such purposes, in the manner provided in this chapter, or by the general laws of this State. Said resolution shall direct the city attorney to institute proceedings, in the recorder's court in said city, to carry out the objects of such resolution, but the common council may negotiate with the owner or owners thereof, or any interest therein, for the purchase and conveyance of the same to the city of Saginaw, for the public uses prescribed in said resolution; and in case such negotiations shall result in the purchase of such private property by the city, for the public uses described in said resolution, it shall be lawful for the common council to determine by an entry in their proceedings that the whole or a just proportion of such purchase price shall be assessed upon the owners or occupants of real estate situated in the assessing district fixed by said resolution and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings as is provided by title six of this charter, for assessing, levying and collecting the expenses of other public improvements by special assessment.

Action of council required before taking private property.

Negotiations for purchase.

SEC. 5. Upon filing said petition, it shall be the duty of the clerk of said court, upon request in writing of the city attorney, to issue a summons against the respondents named in petition, commanding them, in the name of the people of the State of Michigan, to appear before said court at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted. Notice of the pendency of said proceedings shall be filed in the office of the register of deeds for Saginaw county, which shall be entered by said register in the same manner as other *lis pendens* are required to be entered, and thereafter no change of ownership of the real estate sought to be taken under the said proceedings, shall in any manner affect the same, but they may be carried on and perfected as though no such conveyance or transfer had been made.

Clerk of court to issue summons.

Notice of pendency of proceedings to be filed in office of register of deeds.

Motions for new trial, when made.

SEC. 15. Motions for a new trial or to arrest proceedings, shall be made within two days after the rendition of verdict, unless further time is allowed by the court, and if no such motion is made, or, being made, is overruled, the court shall enter an order confirming the verdict of the jury, and such judgment or confirmation, unless reversed by the supreme court, shall be final and conclusive as to all persons interested therein; but the city may within three months thereafter cause said proceedings to be discontinued and abandoned as herein-after provided.

Appeal, etc.

SEC. 16. Any person whose property may be taken under the provisions of this act, considering himself aggrieved, may appeal from the judgment of the court, confirming the verdict of the jury, by filing in writing, with the clerk of said court, a notice of such appeal within five days after the confirmation, and serving within the same time, a copy thereof on the city attorney, and filing a bond in said court, to be approved by the judge thereof, conditioned for the prosecution of said appeal and the payment of all costs, damages and expenses that may be awarded against him in case the judgment and confirmation of the court shall be affirmed.

Verdict to be certified to council.

SEC. 19. Whenever the verdict of the jury shall have been finally confirmed by the court, and the time in which to take an appeal has expired, or if an appeal is taken, on the filing in court below of a certified copy of the order of the supreme court, affirming the judgment and confirmation, it shall be the duty of the clerk of the court below to transmit to the common council a certified copy of the verdict of the jury, and of the judgment of confirmation, and of the order, if any, allowing and taxing the costs and expenses. The common council may, upon the receipt of said report from the clerk, and at any time within three months thereafter, direct the city attorney to abandon and discontinue said proceedings. In case the city attorney shall apply for the discontinuance or abandonment the said proceedings, the court shall ascertain and determine the reasonable and necessary expenses incurred by each person who has appeared in said proceedings, not exceeding the taxable costs allowed in cases at law in the circuit court of the county, and the same shall be paid to such person by the city.

Council may direct city attorney to abandon and discontinue proceedings.

If proceedings shall not be abandoned within the time limited, proceedings shall be taken for the collection of the sums awarded by the jury.

If the proceedings in such cause shall be discontinued and abandoned by the city, no new proceedings shall be begun or had for opening, extending, widening or straightening such street, or alley, or for taking private property for any other purpose authorized under this act, and which proceedings shall be practically the same as those so abandoned within one year after the same shall be so abandoned and discontinued. If said proceedings shall not be so abandoned and discontinued by the city within the time above limited, proceedings shall thereupon be taken for the collection of the sum or sums awarded by the jury. And thereupon the common council may, by an entry in its minutes, determine that the whole or any just proportion of the compensation awarded to owners of real estate by the jury, specifying the amount thereof, shall

be assessed upon the owners or occupants, of the real estate included within the assessment district, theretofore fixed and designated by said common council, as provided in section two of this title. Such assessment to be made upon said owners or occupants of said real estate in proportion as near as may be to the advantage which each lot, parcel or subdivision is deemed to acquire by the improvement. The assessment roll, containing said assessment, when ratified and confirmed by the common council, shall be final and conclusive, and *prima facie* evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same are made until payment thereof. Whatever amount or portion of such award, or of the compensation paid for such real estate purchased, shall not be raised in the manner herein provided, shall be assessed, levied and collected upon the taxable property of the taxing district in which the street or alley is situated, the same as other general taxes are assessed and collected in said city.

Assessment.

SEC. 20. Within one year after the confirmation of the verdict of the jury, or after the judgment of confirmation, shall, on appeal, be affirmed, the common council shall, unless said proceedings have been abandoned and discontinued as herein provided, cause the city treasurer to pay or tender to the respective persons entitled to receive the same, the damages and compensation awarded for taking such private property, according to the verdict of the jury as finally confirmed: *Provided*, That no such claim shall be assignable to any person, and where any lands of any person to whom damages and compensation has been awarded for an interest in lands taken by the city under such proceedings, or of any person acquiring title under such person subsequent to the filing of the notice of pendency of said proceedings as herein provided for, shall be assessed to pay any portion of such compensation, the city treasurer shall in all cases deduct from the sums awarded to any such person the sums so assessed against the property of said owner or other person interested respectively, notwithstanding any attempted transfer of such claim or of the property sought to be taken, or of the property so assessed for benefits; and in case any person shall refuse the same, be unknown or a non-resident of said city, or cannot, with reasonable diligence, be found in said city, or for any reason be incapacitated from receiving his amount or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case in the city treasury, and shall, on demand, pay the same over to any person entitled and competent to receive it, taking receipt therefor. Upon such tender, payment or deposit, the common council may enter upon, take possession of and convert such private property to the uses and purposes for which it was taken, and may remove all buildings, fences and other obstructions therefrom. The treasurer shall make a certificate, verified by his oath, showing his making such payment, tender or deposit, and shall

Damages and compensation awarded for taking private property, when paid.

Provide.

Treasurer to make certificate.

file the same with the clerk of the recorder's court, and it shall be *prima facie* evidence of the facts therein stated.

Council may direct city attorney to move for a new trial or take an appeal.

SEC. 23. The common council may direct the city attorney to move for a new trial or to arrest, vacate or discontinue the proceedings, or take an appeal to the supreme court, and in any such case the same proceeding shall be had as are hereinbefore prescribed in the case of like proceedings on the part of any respondent.

## TITLE XVI.

Election districts.

SEC. 13. Each ward shall be an election district by itself, but it shall be lawful for the common council, in its discretion, at any time before the first day of March next preceding any general or municipal election, to divide the several wards of the city, or either of them, in the manner now or hereafter provided by the general statutes of the State, into convenient election districts, for holding elections; and in case of such division, the provisions of the general laws of this State, now or hereafter in force, so far as applicable, and of this act, relating to elections, shall be applicable to such election districts. The board of registration in each ward and election district shall consist of two members to be constituted as hereinafter provided. The common council shall, at least one week prior to any general or municipal election, and in the year when a reregistration of the electors of said city is made, as provided for in the next section of this chapter, not later than the last Monday in February, appoint such a number of the electors of each ward to act with the aldermen, if any, who are eligible and intend to serve, as shall constitute a board of two, in each election district, and in each ward which is not divided into election districts. At the hour appointed for said board of registration to meet, the electors of any ward or election district, present at the place of registration, may elect, *viva voce*, an elector of said ward to fill any vacancy on said board caused by the absence of any member of said board. Every elector shall vote in the ward and district in which he resides, except that an inspector of election in any district may vote in the district where he is acting as inspector.

Board of registration in each ward and election district.

To be appointed by common council.

Vacancies in board of registration, how filled.

Registration of electors.

SEC. 14. The common council of said city, shall cause a session of the board of registration of each ward or election district of said city, to be held on the first Monday in March in the year eighteen hundred ninety-five, and on the first Monday in March in every fourth year thereafter, for the purpose of making a reregistration of the qualified electors of each ward or election district in said city; and for such purpose the aldermen of each ward, or electors thereof, to be appointed as provided by the preceding section, shall constitute the board of registration of such ward, and in case any of the wards shall be divided into election districts, the common council may appoint the necessary number of electors of said ward, to act as a board of registration for any election district which would otherwise be without such board. Said board shall cause a

like notice of such meeting and registration, and of the time and place of holding the same, to be published and printed in like manner, and for the same period, as is required by section two of act number one hundred seventy-seven of the session laws of eighteen hundred fifty-nine, entitled "An act further to preserve the purity of elections, and guard against the abuses of the elective franchise by a reregistration of electors," approved February fourteenth, eighteen hundred fifty-nine, being paragraph eighty-five of Howell's annotated statutes, and the acts amendatory thereof. The said several ward or district boards shall be in session on the first Monday in March, as aforesaid, and for not less than two nor more than five days thereafter, from nine o'clock in the morning to one o'clock in the afternoon, and from four o'clock to eight o'clock in the afternoon, and shall be provided with the proper blank books for registering the names of voters, of the form heretofore used, and shall have the same powers and perform the same duties as are conferred upon or required of boards of registration under the act aforesaid; and the same rules and requirements shall be observed in such registration, in all respects, as were required in the original registration under said act. When such registration shall be completed, the former registry of electors in such ward or district shall henceforth be deemed invalid, and shall not be used at the ensuing elections. No person shall vote at any public election in such wards or districts, after such reregistration, whose name shall not be registered anew, under the provisions of this section, or be afterwards properly entered on such new register, according to the provisions of the act aforesaid, or of this act.

Notice of.

Time for meeting.

Powers of board of registration.

Former registry of electors.

SEC. 21. The union school district of the city of Saginaw shall continue as now organized, and shall retain in all respects its powers, property, system of officers and mode of elections, and shall bear and pay its indebtedness and expenses in the same manner, as prior to the passage of this act: *Provided*, That the statements of the sums voted by the board of education of said district, or by the electors of said district, at any district meeting or meetings, shall be transmitted by the secretary of said board to the board of estimates of said city, on or before the first Monday in May of each year, and it shall be the duty of the assessor to apportion and assess so much of the sum or sums so voted to be raised, as may be approved by the board of estimates, and certified to him from the common council, upon the taxable property in the western taxing district of said city, according to the valuation of the taxable property therein, in the first general tax roll thereafter made.

Union school district of Saginaw to continue as now organized.

Proviso.

Assessment of sums voted.

The assessment for such tax shall be in a separate column in said tax roll, and the same shall be collected at the same time and shall be and remain a lien on the property on which the same is levied; and the treasurer of said city shall have the same authority and may resort to the same mode of proceedings, by virtue of said roll and the warrant annexed thereto, to collect the same, as the other taxes therein contained. It shall

Tax to remain a lien.

City treasurer to pay over money to treasurer of school district.

be the duty of the city treasurer to pay over to the treasurer of the said school district all such moneys as may be collected belonging to said district, as indicated by said column, from time to time, when requested by the treasurer of said district; also the balance of the total school tax on the return of said roll, the same to be paid out of any moneys collected by him on said roll and held in funds belonging exclusively to said western taxing district.

School taxes of Saginaw, East Side, to be assessed upon eastern taxing district.

SEC. 22. The amounts authorized to be raised by tax for school purposes by the board of education of the city of Saginaw, East Side, as at present constituted, shall be transmitted by the secretary of said board to the board of estimates of said city, on or before the first Monday in May of each year, and it shall be the duty of the assessor to apportion so much of the sum or sums so authorized to be raised, as may be approved by the board of estimates, and certified to him from the common council, and he shall assess the same in the manner required by this charter upon the nine wards constituting the eastern taxing district thereof, and the same proceedings shall be taken for the assessment and collection of all the taxes spread for such school purposes, as herein provided for the assessment and collection of the general city tax proper, and when collected the same shall be paid into a separate fund, to be denominated the "School fund of the eastern taxing district," and the same shall be held by the treasurer, subject exclusively to the order of said board of education.

Disposition of funds collected.

## TITLE XVII.

Board of estimates for the city of Saginaw.

SECTION 1. The board of estimates in and for the city of Saginaw is hereby created, to consist of five members, three from the eastern taxing district and two from the western taxing district, who shall be appointed by the common council upon the nomination of the mayor. The members of said board first appointed shall hold their offices for the term of one, two, three, four and five years respectively, and until their successors qualify. The term of office of the members of said board appointed thereafter, shall be five years. They shall serve without pay. The said board shall be first appointed as soon as may be after this act takes effect, and the term of office of the member appointed for one year, shall be deemed to expire upon the qualification of his successor, who shall be appointed as provided in section five, title two, of the charter of said city. The members of said board shall be citizens and resident electors and taxpayers of said city. Said board shall elect one of their number president of said board, who shall preside at its meetings, and who shall hold his office until the annual appointment of members of said board. If he is absent or incapacitated from performing his duties, the board shall appoint a president *pro tempore*. The city clerk shall keep a record of its proceedings. The meetings of said board shall be held in a suitable room in the city hall to

Term of office of members.

Members of board to be citizens and resident electors and taxpayers. President and president *pro tempore*.

Record of proceedings.

be provided by the common council. If no provision is made, then they shall be held in the common council chamber. The first meeting of said board shall be held annually on the first Monday in March at ten o'clock in the forenoon and regular meetings shall be held on the first Wednesday in every month thereafter, at the same hour and at such other times as the common council may by ordinance or resolution prescribe: *Provided*, The first meeting of said board, after it is appointed, shall be held at such time as the common council may by resolution determine. The board may adjourn from time to time, and in case no quorum shall be present at the appointed time of meeting, those present shall adjourn such meeting to some future time, and from time to time, until the business referred to it by the common council is disposed of, and it shall not be necessary after the common council has referred to the board of estimates any resolution or proceedings which under the charter is required to be referred to said board, to again call a meeting of said board of estimates, but it shall dispose of such matters without further call from the common council. The meeting which shall be held in each year to consider the estimates for the general and annual taxes for city and school purposes, shall not be adjourned to a time, subsequent to the second Monday in May. The board shall have the right to call upon the common council or upon any officers or boards of the corporation, for any information which it may require, or for further reports, for the purpose of estimating any amount to be raised, or in reference to any other matter pending before such board. And such board or officer shall furnish the same as soon as possible after such request. It shall also have the right to inspect the official books and papers of said officers or boards.

**SEC. 2.** Before any money shall be raised, or taxes levied and collected, for the purpose of the several funds mentioned in the charter of the city of Saginaw, or for school purposes in said city, the estimates of the common council and of the boards of education, of the amount of moneys required for such fund or purposes, shall be submitted to said board of estimates for approval and before any bonds or other evidence of indebtedness shall be issued by the city, or any board thereof, said issue shall be approved by said board of estimates, unless they have been authorized by vote of the people as provided in said charter. The estimates for the general city taxes, shall be acted upon by the common council as provided by the charter, and shall be submitted to the board of estimates on the first Monday in May, at which time the boards of education shall each submit to said board, its estimates for school purposes, to be considered by the board and reported by it to the common council on or before the third Monday of May. The said board shall carefully consider all estimates required by this act to be submitted to it, of moneys to be raised as aforesaid, and shall approve or disapprove of the same. It may decrease the amount to be raised, but shall not increase the same, and may approve, subject to the conditions of this act, the sale of bonds

Place of  
meeting.

Meeting of  
board.

*Provided*.

May call upon  
the council for  
certain informa-  
tion.

May inspect  
official books  
and papers of  
officers or  
boards.

Estimates of the  
common council  
and boards of  
education to be  
submitted to  
board of esti-  
mates.

Estimates for  
general city  
taxes, when to  
be submitted  
to board of  
estimates.

Majority of board required to approve estimates.

Votes approving or disapproving of any estimates, or decreasing the amount thereof, shall be taken by yeas and nays. Statement of amounts to be raised by taxation.

Common council to cause tax to be levied and collected.

Proviso.

Acts repealed.

of said city, or boards thereof, when thereto authorized by law. The majority of all members of said board shall be required to approve of any such estimates for the raising of taxes, or any part thereof, or for authorizing the issue of any bonds, except when the same are authorized by a vote of the taxpaying electors of said city, as provided by its charter.

SEC. 3. All votes of said board approving or disapproving of any estimates, or decreasing the amount thereof, or the authorizing or disapproving the issuing of bonds, shall be taken by yeas and nays, and entered upon the record of its proceedings. After the said board shall have considered the said matters required to be submitted to it, it shall cause a statement of the amounts approved by it to be raised by taxation or issue of bonds, and the fund or purpose for which it is raised, to be made, which statement, being adopted by the majority of the members elect of the board shall be then signed by the president and clerk of the board, and shall be transmitted to the common council, and only so much of such estimate or amounts to be raised by taxation as shall have been approved by said board, shall be raised and collected in said city, and only such bonds shall be issued as shall be authorized by said board as herein provided, or as shall have been authorized by a vote of the people of the city or the taxing district affected thereby, in accordance with the provisions of the charter of said city. The common council of said city, upon the approval of said estimates, or any part thereof, by said board, may cause to be levied and collected, by general taxes, the amount thereof so approved in the manner in this charter provided, and may issue any bonds, so authorized to be issued by said board, as aforesaid: *Provided*, The amount approved by said board of estimates, for school purposes for interest and sinking fund, and for the purpose of paying the street improvement and sewer bonds, and the interest thereon, as provided in section twenty-two, title six, and section thirteen, title ten, of said charter, shall be levied in full. All acts or parts of acts in any wise contravening the provisions of this title, are, in so far as they are inconsistent therewith, are hereby repealed.

## TITLE XVIII.

### LIGHTING.

Gas, electric or other lighting.

SECTION 1. The city of Saginaw may acquire by purchase or may construct, either independently or in connection with the water-works of the city, either within or without the city, works for the purpose of supplying the city and the inhabitants thereof, with gas, electric, or other lighting, at such times and on such terms and conditions as are herein provided. Whenever the common council of said city shall declare by resolution that it is expedient for such city to acquire by purchase or to construct works for such purpose, the common



council shall have power to take such action as may be deemed expedient therefor.

SEC. 2. If the common council shall declare that it is expedient for the city to acquire by purchase, or construct, as the case may be, works for the purpose of supplying the city and the inhabitants thereof, either with gas, electric or other light, then the common council shall cause to be made and recorded in their proceedings an estimate of the expense thereof, and the question of raising the amount required for such purposes shall first be submitted to a vote of the taxpayers of said city, at some special election, as provided in section two, title five, and such proposition must be sanctioned by a majority of the taxpaying electors before any money shall be raised or expended for such purposes.

Estimate of amount required for supplying the city with gas, electric or other light, to be submitted to a vote of the taxpayers.

Special election.  
Majority vote.

SEC. 3. When authorized thereto, as provided in the last section, the city may issue its bonds for any sum not exceeding one hundred thousand dollars, for the purpose of raising money for the purchase or construction of said plant, to be used exclusively for that purpose. The common council shall have the power to fix the time and place for the payment of principal and interest of the debt contracted under the provisions of this title, and the rate of interest thereon shall not exceed six per cent per annum, and such bonds shall be sold for not less than their par value. The proceeds of said bonds shall be placed in a separate fund, to be known as "the lighting fund," and shall be used exclusively for the purpose for which they were authorized, and in no other manner. The total amount expended for the purchase or construction of such lighting works shall not exceed the amount of the estimate of expense therefor, provided in section two of this title. Any surplus that may remain in said fund after the construction or purchase of said works may be used for the maintenance thereof. All expense of maintaining said works and the repairs and extension thereof shall be chargeable to and paid from the lighting fund only. If said works shall be constructed in connection with the water-works of said city, then the same shall be under the charge and control of the water board of said city. If constructed or purchased as a separate plant it may be placed in the hands of the lighting commissioners, appointed in the same manner, and who shall hold their offices for the same term as is herein provided for the appointment of members of the board of estimates, or it may be placed under the charge and control of said water board.

May issue bonds.

Time and place for payment of principal and interest.

The lighting fund.

Surplus.

Expense of maintaining works, etc., shall be chargeable to and paid from the lighting fund only. When works to be under the control of the water board. When to be placed in the hands of the lighting commissioners.

SEC. 5. The common council may by ordinance prescribe the duties of said board of lighting commissioners, or said board of water commissioners, for the management of said works, and for the care, protection, preservation and control thereof, and of all the property connected therewith, or belonging thereto, and to carry into effect the provisions of this title, and to fix such just and equitable rates as may be deemed advisable for supplying the inhabitants of said city with lights, and shall annually, on the first Monday in June, fix such rates for the ensuing year. The board of light commissioners, or

Common council may prescribe the duties of the board of lighting commissioners or board of water commissioners.

Power of board  
of light commis-  
sioners,

Officials and  
appointees of  
board, how  
paid.

Members of  
board not to be  
interested in  
any contract.

Not to be a  
member of  
common  
council.

Acts repealed.

water board acting as such, shall organize in the same manner and shall have the same power of appointment and control of its officials and employes, as is now exercised by the board of water commissioners, under this charter, and the salary of the officials so appointed shall be fixed in the same manner. And all officials and appointees of such board shall be paid in the same manner as those of other boards of said city, but such expenditures shall be chargeable to said lighting fund only.

SEC. 6. No member of said board shall be at any time interested directly or indirectly, in any contract for labor, material or supplies, for or on account of the purchase, construction, or repairing the lighting works of said city, and no member of said board shall at the same time be a member of the common council of said city.

All acts and parts of acts in anywise contravening the provisions of this act are, in so far as they are inconsistent therewith, hereby repealed.

This act is ordered to take immediate effect.

Approved April 24, 1895.

[ No. 383. ]

AN ACT to authorize school district number three of the township of Marlette, in the county of Sanilac, to borrow money and issue bonds therefor, for the erection and furnishing of school buildings in said district.

Authority to  
borrow money.

SECTION 1. *The People of the State of Michigan enact,* That school district number three in the township of Marlette, in the county of Sanilac, be and is hereby authorized to borrow money not to exceed fifteen thousand dollars and issue bonds therefor to be used for the erection and furnishing of school buildings in said district.

To be submitted  
to electors.

SEC. 2. It shall be the duty of the school officers of said district number three of the township of Marlette, to submit to the taxable citizens of said district the question of the making of the loan in this act provided, which question may be submitted to said taxable citizens either at an annual meeting or at a special meeting called for that purpose; said loan to be voted on not to exceed fifteen thousand dollars, and the bonds to be issued therefor not to extend beyond fifteen years. All proceedings under this act shall be held in accordance with the school laws of the State, except as herein otherwise provided.

Board of  
inspection.

SEC. 3. At the election provided for in section two the director and assessor of said school district, and one qualified voter thereof, to be appointed by the school district board, shall constitute a board of inspection and shall cause a poll list to be kept and the suitable ballot boxes to be used, and the

polls shall be kept open two hours; the votes shall be by ballot, either printed or written, or partly printed and partly written, and such ballots shall be in the following form: "For the loan—Yes," and "For the loan—No." At the closing of the polls the above mentioned board of inspectors shall proceed to canvass the votes cast in the same manner as votes are canvassed at township elections, and the election shall be conducted in all respects as are township elections, except as herein otherwise provided. Form of ballot.

SEC. 4. If the taxable citizens of said school district, by a two-thirds majority, shall vote to borrow money within the limitations of this act, the school district board of said district are hereby authorized to issue the bonds of the district therefor in sums of not less than fifty dollars each nor more than one thousand dollars, as the said district board shall deem best and at a rate of interest not exceeding six per cent per annum, and for a period not to exceed fifteen years. Said bonds shall be executed by the moderator and the director of said school district. Two-thirds majority. Bonds.

SEC. 5. It shall be the duty of the school board of said district, if the said district shall have voted to borrow money, to raise by tax each year thereafter a ratable proportion of said loan and the interest thereon, in such amounts as that the funds shall be on hand to pay said bonds at maturity; said tax levy to be levied and collected as other school taxes are levied and collected. Tax.

This act is ordered to take immediate effect.

Approved April 26, 1895.

[ No. 384. ]

AN ACT to facilitate the construction and maintenance of sidewalks in road districts number ten and thirteen, in the township of Ecorse, Wayne county, Michigan.

SECTION 1. *The People of the State of Michigan enact,* That there shall be annually appropriated out of any liquor tax moneys in the township treasury of the township, the sum of one hundred dollars for each of road districts number ten and thirteen, in the township of Ecorse, Wayne county, Michigan, for the construction and maintenance of sidewalks. Appropriation for construction of sidewalks in certain road districts in township of Ecorse.

SEC. 2. The overseers of highways of said road districts shall have the power to locate and construct said sidewalks and purchase the material necessary to be used therein, and employ all the labor necessary to aid in constructing the same. All payments to be made for the labor and material used in the construction and maintenance of said sidewalks shall be paid by the township treasurer, upon the warrant of the overseer of highways for the road district where said sidewalks have been constructed or maintained, and whether for labor or materials. Overseers to locate and construct walks. Pay for labor and material to be made by township treasurer.

Statement of  
money expended  
to be filed with  
township clerk.

SEC. 3. Each of said overseers of highways shall, in the month of January of each year, make and file with the township clerk of said township an itemized sworn statement of all the moneys expended by him during the preceding year, in the construction and maintenance of sidewalks in his road district.

This act is ordered to take immediate effect.

Approved April 26, 1895.

[ No. 385. ]

AN ACT to provide for two voting precincts in the township of Masonville, in the county of Delta.

Township of  
Masonville, Del-  
ta county, divid-  
ed into two  
voting precincts.

SECTION 1. *The People of the State of Michigan enact,* That the township of Masonville, in the county of Delta, shall be divided into two voting precincts as follows, viz.: Sections two, three and ten of town forty north, twenty-two west, all of that portion of town forty-one north, twenty-one west, which lies west of the main channel of the Whitefish river, and all of townships forty-two and forty-three north, twenty-one west, and the west two-thirds of town forty-two and forty-three north, twenty west, shall constitute voting precinct number one. The north fractional half of town forty north, twenty-one west, and all that portion of town forty-one north, twenty-one west, lying east of the main channel of the Whitefish river and the west two-thirds of town forty-one north, twenty west, shall constitute voting precinct number two.

Precinct bound-  
aries defined.

Polling places  
designated.

SEC. 2. The polling place for the electors resident and being in the territory above described as precinct number one shall be at such place as the township board of the township of Masonville shall determine, and the polling place for the electors resident and being in the territory known as precinct number two shall be at the store of the Garth Lumber Company, in the village of Garth.

Boards of reg-  
istration and  
election pre-  
scribed.

SEC. 3. The present officers of the township of Masonville who are by law constituted the boards of registration and election shall be the boards of registration and election for precinct number one of said township of Masonville. The board of registration for the first election to be held in precinct number two of said township of Masonville, shall be composed of M. H. Grover, E. W. Carrington and C. C. Collins; and the first board of election in said precinct number two shall be M. H. Grover, E. W. Carrington, Wm. Mundy and C. C. Collins.

Township board  
to supply books  
and blanks.

SEC. 4. It shall be the duty of the township board of the township of Masonville to supply the necessary books for registration and election and the necessary blanks for the return thereof, to be used in precinct number two.

SEC. 5. The conduct of the elections in the precincts herein provided for shall be conducted in accordance with the provisions of the general laws for the conduct of elections, and the canvass and return of votes shall be in accordance with the law governing the canvass and return of votes in townships having more than one precinct.

Elections and canvass to be conducted according to the general laws.

This act is ordered to take immediate effect.

Approved April 26, 1895.

[ No. 386. ]

AN ACT to amend and revise act number four hundred twenty of the local acts of eighteen hundred eighty-one, entitled "An act to revise an act entitled 'An act to incorporate the board of education of the city of East Saginaw,' approved June seventh, eighteen hundred eighty-one, as amended by act number three hundred thirteen of the local acts of eighteen hundred eighty-five, approved April second, eighteen hundred eighty-five, and as further amended by act number four hundred fifty-eight of the local acts of eighteen hundred eighty-nine, approved June twenty-ninth, eighteen hundred eighty-nine, and to change the name of said board, from 'The board of education of the city of East Saginaw,' to 'The board of education of the city of Saginaw, East Side.'"

SECTION 1. *The People of the State of Michigan enact,* That act number four hundred twenty of the local acts of eighteen hundred eighty-one, entitled "An act to revise an act entitled 'An act to incorporate the board of education of the city of East Saginaw,' approved June seventh, eighteen hundred eighty-one, as amended by act number three hundred thirteen of the local acts of eighteen hundred eighty-five, approved April second, eighteen hundred eighty-five, and as further amended by act number four hundred fifty-eight of the local acts of eighteen hundred eighty-nine, approved June twenty-ninth, eighteen hundred eighty-nine, be and the same is hereby revised and amended so as to change the name of said board from "The board of education of the city of East Saginaw" to "The board of education of the city of Saginaw, East Side," and so that the charter of said board shall read as follows:

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That the eastern taxing district of the city of Saginaw shall constitute one school district from and after this act takes effect. The present school inspectors of said school district shall hold their office and discharge all the duties thereof and of said board for the period for which they were elected. At each general city election held in said city there shall be

Eastern taxing district of the city of Saginaw to constitute one school district. Present school inspectors to continue in office.

School inspectors to be elected at each general city election.  
Term of office.  
Proviso.

Vacancy, how filled.

The board of education of the city of Saginaw, East Side.

Body corporate.  
Powers of.

Members of board of education to serve without compensation.  
Quorum.

President and president *pro tem*.

Warrants for payment of money shall be signed by president and secretary.  
Secretary, duties and compensation of.  
Records.

Board to purchase sites and build school-houses.

elected in each ward of said district one school inspector for the term of two years. The term of office of the members of said board of education shall commence on the third Monday in July in each year: *Provided*, That the members elect to said board shall file an acceptance and oath of office with the city clerk, as required of other city officers. In case of vacancy in said office of school inspector for any ward of said district, the common council of said city shall elect by ballot some suitable person to fill said vacancy until the time for the next general city election, and until his successor shall qualify. At the next general city election some suitable elector of said ward shall be elected to fill such vacancy for the unexpired term, who shall enter upon the duties of his office upon qualifying.

SEC. 2. The school inspectors elected from the several wards in said eastern taxing district of said city shall be a body corporate by the name of "The board of education of the city of Saginaw, East Side," and by that name may sue and be sued, and be capable of holding, renting, selling, and conveying real and personal property for the use of, and as the interest of the common and public schools of said eastern taxing district may require, and shall be subject to all the general laws of this State relative to corporations, so far as the same may be applicable. They shall succeed to and be entitled to demand and have all money, real or personal property, uncollected taxes and other rights belonging or to become due to "The board of education of the city of East Saginaw," and the school district embraced in the former city of East Saginaw. Said board shall also pay all the debts and demands that may be existing against "The board of education of the city of East Saginaw," and the school district embraced within the former city of East Saginaw.

SEC. 3. No member of the board of education shall receive any fee or compensation for services as such.

SEC. 4. A majority of all the members shall constitute a quorum, and the said board shall meet from time to time at such place in said school district as they may designate. They may elect one of their own number president, and in his absence may elect a president *pro tem*. No claim shall be paid by said board, nor any contract made, requiring the expenditure of money, without the concurrence of a majority of said board. All warrants or orders for the payment of any money by said board shall be signed by its secretary and countersigned by the president thereof.

SEC. 5. The board shall elect a secretary who shall perform such duties and receive such compensation as said board shall direct. Said board shall cause full and complete records to be kept of its proceedings, accounts, expenditures and receipts, and such records shall be public and open to the inspection of any taxpayer of said district.

SEC. 6. The board of education shall have full power and authority, and it shall be their duty to purchase sites and build schoolhouses in said district; to apply for and receive from the treasurer of the city of Saginaw, or other officer having custody

or possession of the same, all moneys raised by tax, or otherwise appropriated and set apart for the use and support of primary or public schools, and for the district library in said district. They shall expend such funds and moneys received for the purposes and in the manner specified by law, and in no other manner; they shall establish and regulate a district library, and designate a place or places where the library may be kept therein; the said board shall also have full power and authority to make by-laws and ordinances relative to taking the census of all the children in said district between the ages of five and twenty years; relative to making all necessary reports and transmitting the same to the proper officers as designated by law, so that said district may be entitled to its proportion of the primary school fund; relative to the levying and collection of rate bills; relative to the visitation of schools; relative to the length of time schools shall be kept, which shall not be less than nine months in each year; relative to the employment, examination and licensing of teachers, subject to the general statutes of this State in reference thereto, their powers and duties; relative to the regulation of schools and books to be used therein; relative to the appointment of necessary officers, and prescribe their powers and duties; and relative to anything whatever that may advance the interests of education, the good government and prosperity of the common and public schools in said district and the welfare of the public concerning the same; which by-laws and ordinances shall have the force and effect of law, and shall be enforced by the courts in the same manner and with the same effect as the ordinances of the city of Saginaw: *Provided*, No such by-laws or ordinance shall be in effect until the same shall have been published at least once in some newspaper printed and circulating in said city, or by posting a copy of the same on the front door of each of the public schoolhouses of said district; proof of said by-laws and ordinances in court may be made by furnishing a certified copy from the records of the board, or by proper affidavit of publication and posting, or by publication in book or pamphlet printed form, as provided for city ordinances in section six of title four of the act to incorporate the city of Saginaw, being act four hundred fifty-five, local acts eighteen hundred eighty-nine.

To establish and regulate a district library.

Make by-laws relative to taking the census of children in the district.

Provided.

SEC. 7. The fiscal year of said board of education shall close on the last day of June in each year; and said board shall cause to be made out, within two weeks after the close of such fiscal year, all reports required by law to be made for the use of the State, and they shall cause to be published in some newspaper published and circulating in said school district a statement of the number of schools in said district, the number of scholars instructed therein in the year preceding, the number of teachers and other persons employed by said board, the several branches of education taught in said schools, and a complete statement of all receipts and expenditures by said board during the preceding year.

When fiscal year to close.

Reports.

Statement to be published.

Authority to establish and maintain a high school.

SEC. 8. Said board shall have power and authority to establish and maintain a high school in said district, and to appoint a superintendent of the public schools of said district and such assistants and teachers as may be necessary, with such salary and such powers and duties as shall be prescribed by the said board.

To determine by resolution amount of tax to be raised.

SEC. 9. Said board shall in the month of April, in each year, determine by resolution passed by a vote of a majority of all the members of said board at any regular meeting, the sum or sums necessary and proper for any or all of the following purposes:

*First*, To lease, alter, repair and improve schoolhouses and their outhouses, grounds and appurtenances, and to purchase sites and build schoolhouses;

*Second*, To purchase, exchange, repair and improve school apparatus, books, furniture, appendages, fixtures, text books and all other school supplies used in the public schools, and said text books and supplies shall be loaned to the pupils of said public schools free of charge, subject to such rules and regulations as to care and custody, as the said board may prescribe;

*Third*, To procure fuel and lights and defray all the necessary contingent expenses of the said board;

*Fourth*, To defray the expenses of and purchase books for the district library of said city, not to exceed in the aggregate the sum of one thousand dollars in any one year;

Proviso.

*Fifth*, To pay the salaries and wages of the superintendent and teachers in addition to the public moneys which may be by law appropriated and provided for that purpose: *Provided*, That the sums so authorized shall not exceed in the aggregate, in any one year, the sum of one per cent of the assessed valuation of said eastern taxing district as taken from the annual assessment roll of the preceding year.

Estimates by resolution to be certified to be assessor.

SEC. 10. Whenever the said board shall have made the estimates by resolution provided in section nine, the secretary of the board shall certify the same to the assessor, or other proper officer or officers of said city of Saginaw, whose duty it may be to assess and extend the taxes of said city, and the said city assessor, or other officer or officers, whose duty it shall be to extend the ordinary city taxes, shall levy the sum or sums so determined and certified to him upon the taxable property of the district, at the same time and in the same manner as the taxes for other city purposes are assessed: *Provided*, All taxes levied in any one year in said district, by virtue of this act, shall be placed in a separate column on said rolls from any other taxes, to be headed "school tax." The taxes so levied shall be and remain a lien upon the property on which the same is levied, in the same cases to the same extent and in like manner, and shall be collected in the same manner, as is provided for taxes raised for ordinary city purposes. All said moneys shall be disbursed and expended by the authority of said board for the purposes for which it was raised, and for no other.

To be assessed upon the taxable property of the district.

Proviso.



SEC. 11. Whenever said board shall deem it necessary to raise any additional amounts of money in any one year for the support of the public schools, the purchase of grounds for sites or the erection of schoolhouses thereon, or to improve, alter or repair schoolhouses in excess of the amount provided for in section nine of this act, they shall so certify by resolution to the common council of the city of Saginaw, and it shall be the duty of said common council to call, in the manner now or hereafter provided in section two of title five of the said act to incorporate the city of Saginaw, meetings of the taxpayers of said district, which meetings, so called, may provide such means to sustain and keep open the public schools, and for making such purchase of grounds, and for the building and construction of suitable schoolhouses thereon, as said meetings may determine, either by issuing the bonds of said city, as provided in section seventeen of title five, of the act to incorporate said city of Saginaw, or by levying an additional tax upon the property of said district, as provided in section two of title five of said act, as said meetings shall determine. All bonds issued as provided in this section shall be designated "School bonds, eastern taxing district," and shall be issued and numbered as provided for other city bonds, and when issued shall be charged to and paid by the said eastern taxing district only, and the proceeds of said bonds and all moneys assessed under the provisions of this section shall be at the disposal of said board of education, and shall be expended only for the purposes for which raised, and no other. Such bonds shall be disposed of as provided for in section seventeen, title five, of the charter of the city of Saginaw, and all proceeds paid over to the treasurer of the board of education. If any such additional tax shall be raised as herein provided, the amount voted by the electors shall be added to the amounts certified by the board of education to the assessor, and assessed, in the same column with the other school taxes; but the board shall, when the same shall be collected, cause the same to be separated from the ordinary school funds and taxes, and set aside and used solely for the purposes for which raised and for no other.

Additional  
amounts to be  
raised.

SEC. 12. The treasurer of the city of Saginaw shall be *ex officio* treasurer of the said board of education, and receive and hold all moneys belonging to said board, unless otherwise ordered by said board of education, which is in its discretion authorized and empowered to elect a treasurer, who shall be directly responsible to the said board for the proper discharge of his duties as such treasurer. The treasurer of the city shall keep all moneys belonging to the school funds or to said board separate from the moneys belonging to the city of Saginaw, and shall use, pay out or expend the same only in pursuance of law, or as directed by the board.

Treasurer.  
Duties of.

SEC. 13. The city treasurer of said city of Saginaw when *ex officio* treasurer of said board, shall, before he enters upon the duties of his office, be required to enter into such bonds and with such sureties as said board of education may require, conditioned for the faithful discharge of his duties and the

Bond of.

paying over of all school moneys received by him by virtue of this act.

To collect tax  
in money.

SEC. 14. The city treasurer of said city, or other person collecting the taxes for ordinary city purposes, is required to collect said taxes in money and shall not be authorized or permitted to receive in payment of said taxes any liabilities or evidences of debts against said city.

Authority to  
borrow money.

SEC. 15. The board of education of the city of Saginaw, East Side, is hereby authorized from time to time, on such terms of payment as they may deem proper, to borrow a sum of money not exceeding in all or at any time the aggregate sum of five thousand dollars, for the purpose of maintaining the public schools of said district and paying the salaries and wages of the superintendent and teachers therein, but for no other purpose, at a rate of interest not exceeding seven per cent per annum, payable semi-annually, and to issue bonds of said board of education therefor, in such form and executed in such manner as said board shall direct: *Provided*, Said board shall issue no bond for a less sum than fifty dollars. The bonds issued under this section shall be a charge upon all the property of said board, and the same shall constitute a security therefor, until said bonds are paid: *Provided*, No legal proceedings shall be instituted to enforce such lien or to sell any property of said board of education for the payment of the principal of any such bond, until one year after such principal shall become due and payable according to the terms thereof. It shall be the duty of said board, whenever they shall borrow any money under the provisions of this section, to appropriate a sufficient sum out of any money in their hands to pay the interest upon the same, and to provide in their next estimate for the whole or so much of the principal as may fall due, or such percentage of the same as the board shall deem necessary, which amount shall constitute a sinking fund for paying such bonds, and shall be used only for that purpose, and for no other.

Proviso.

Proviso.

School inspectors shall be citizens and reside in ward they are elected to represent.

Penalty for neglecting or refusal to qualify.

Power to make rules and regulations.

SEC. 16. School inspectors shall be citizens and reside in the ward they are elected to represent on said board, and a removal from the ward shall be deemed to vacate the office of such inspector. If any person shall be elected as school inspector and shall file his acceptance and qualify for said office, and thereafter refuse to serve on said board or on any committee to which he may be assigned, or shall refuse or neglect to attend to the duties of a member of said board, without sufficient cause, he shall forfeit to said board, for the use of the library fund, a sum not exceeding fifty dollars, to be recovered in an action of debt before any competent court, with costs. Said board of education shall have power to make all necessary rules and regulations relative to its proceedings, and punish by fine, not exceeding five dollars for each offense, any member of the board who may absent himself from meetings thereof, or neglect, or refuse to serve on committees thereof, without sufficient cause, to be recovered with costs, by said board in an action of debt in any competent court. And

the said board may impose a fine upon any officer elected by them for neglect of duty, as they may determine, not to exceed the sum of twenty-five dollars for any one offense, to be collected as above provided.

SEC. 17. Any member of said board who shall knowingly, wilfully or corruptly vote to appropriate or use or expend any moneys under the control of said board for any other purpose than that for which the same was raised and appropriated, or who shall convert any such moneys to his own use, or connive at or be a party to any fraud or be a party or surety to any contract or bargain made or authorized by said board, or who shall in any manner violate the provisions of this act, shall be deemed guilty of a misdemeanor, and may be prosecuted therefor, and upon conviction may be punished for each offense by fine, not exceeding five hundred dollars, or by imprisonment in the county jail of Saginaw county, not to exceed three months, or by both such fine and imprisonment, in the discretion of the court. Misdemeanor.  
  
Penalty.

SEC. 18. All provisions of the general laws of this State relative to common or primary schools shall apply and be in force in said district of the city of Saginaw, and shall be binding upon said board of education hereby incorporated, except such as may be inconsistent with the provisions of this act, and the rules, regulations, by-laws or ordinances of the "Board of education of the city of Saginaw, East Side," made under and in conformity to the provisions of this act. Provisions of  
general law to  
govern.

SEC. 19. Act number four hundred twenty of the local acts of eighteen hundred eighty-one, entitled "An act to revise an act entitled 'An act to incorporate the board of education of the city of East Saginaw,'" approved June seventh, eighteen hundred eighty-one, and all acts amendatory thereof are hereby repealed. Act repealed.

This act is ordered to take immediate effect.

Approved April 30, 1895.

[ No. 387. ]

AN ACT to incorporate the village of Ewen in the county of Ontonagon.

SECTION 1. *The People of the State of Michigan enact,* That all that territory situate and being in the township of McMillan, in the county of Ontonagon and State of Michigan, and described as follows, to wit: The east half of the southeast quarter of section twenty-two, the west half of the southwest quarter of section twenty-three, the east half of the northeast quarter of section twenty-seven, the northwest quarter of section twenty-six, all in town forty-eight north of range forty west, Ontonagon county, Michigan, be and the same is hereby incorporated as the village of Ewen, under the provisions of an Village of Ewen  
incorporated  
and boundaries  
designated.

	act entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February nineteen, eighteen hundred and ninety-five.
When first election to be held.	SEC. 2. The first election of officers of said village of Ewen shall be held on May twentieth, in the year one thousand eight hundred and ninety-five, at Fireman's Hall in said village, notice of which shall be given by publication in the Ewen Weekly Recorder, a newspaper printed and circulated in said village, which said notice shall be signed by the board of election inspectors hereinafter designated.
Notice to be given.	
Notice to be signed by inspectors.	
Board of inspectors constituted for registration purposes.	SEC. 3. Louis Danto, Thomas B. Wilson, Ernest R. Stewart and Charles M. Udall are hereby constituted a board of election inspectors and election commissioners for said first election to be held in said village, for the purpose of registering the names of voters for the first election to be held in said village, and the said board of registration are hereby required to meet at said Fireman's Hall on the Saturday next preceding the said May twentieth, one thousand eight hundred and ninety-five, and shall remain in session from nine o'clock in the forenoon until five o'clock in the afternoon, and register all persons presenting themselves for registration and having the qualifications of voters at annual township meetings and residing within said village. Notice of such meeting shall be published in said Ewen Weekly Recorder at least one week before said meeting, which said notice shall be signed by said board of registration.
When and where board to meet.	
Length of meeting.	
Who to be registered.	
When and where notice of such meeting to be published.	
Inspectors to give notice of time and place of holding election.	SEC. 4. The election inspectors shall give notice of the time and place of holding such election as provided in section two of this act at least one week immediately preceding said election. At such election the polls shall be opened at nine o'clock in the forenoon and shall be closed at five o'clock in the afternoon.
When polls to be open.	
Special election may be held in certain cases.	SEC. 5. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be held within thirty days after the time so designated, the notice being given as provided in said section. This act is ordered to take immediate effect. Approved April 30, 1895.

[ No. 388. ]

AN ACT to authorize the city of Gladstone, in the county of Delta and State of Michigan, to borrow money and issue bonds in the sum of twelve thousand dollars, to be used in street improvements, extension of water-works system and the construction of an electric lighting plant.

CITY OF GLADSTONE authorized to borrow money. SECTION 1. *The People of the State of Michigan enact,* That the city council of the city of Gladstone, from and after

the passage of this act, is hereby authorized and empowered to borrow, on the faith and credit of said city, a sum of money not exceeding twelve thousand dollars, for a term not in excess of twenty years from date of issue, at a rate of interest not exceeding seven per cent per annum, payable semi-annually or annually, at such place or places as the city council may determine, and to execute the coupon bonds of said city therefor in such form as the said city council may, by a two-thirds vote of all the aldermen elect, determine, and to provide for the payment of same. And said city council is further authorized to negotiate and sell such bonds from time to time upon the best terms for said city that may be obtained: *Provided, however,* That no such bonds shall be sold upon any terms that will make the rate of interest upon the price actually received for such bonds more than seven per cent per annum.

Limit of loan  
and interest.

Council to exe-  
cute bonds  
therefor.

Council author-  
ized to negotiate  
such bonds.

Proviso.

SEC. 2. The money borrowed under the provisions of this act shall be applied as follows, namely: To the construction or purchase of an electric lighting plant for the use of said city, the sum of seven thousand dollars; for the extension of its water-works system, three thousand dollars; and for the clearing and grading streets, or graveling or paving intersections thereof, two thousand dollars.

Application of  
money bor-  
rowed.

SEC. 3. It shall be the duty of said city council to provide by tax upon the taxable property, or from any fund it may have on hand and not otherwise appropriated, for the payment of the said sum of twelve thousand dollars and interest upon all bonds issued under the authority of this act: *Provided,* That no bonds shall be issued or money borrowed for the purpose of the construction, or the purchase of an electric lighting plant until the question of such construction or purchase shall be submitted to the electors of the city at the next annual charter election in said city, that the city council shall give at least ten days' notice of the submission of such proposition by publication in a newspaper published in said city, and that two-thirds of the electors voting at such election, voting therefor, shall determine.

Duty of city  
council to pro-  
vide by tax for  
payment of  
bonds.

Proviso.

This act is ordered to take immediate effect.

Approved May 1, 1895.

[ No. 389. ]

AN ACT to provide for a law department for the city of Detroit, to abolish the offices of city counselor and city attorney, and to repeal act number four hundred nineteen of the local acts of eighteen hundred ninety-three, entitled "An act supplemental to the charter of the city of Detroit, and to provide for a law department in said city," approved June first, eighteen hundred ninety-three.

SECTION 1. *The People of the State of Michigan enact.* There is hereby established and continued an executive depart-

Executive department in the city of Detroit established and officers to constitute.

Common council to provide offices, fuel, etc.

Appointment of corporation counsel, and term of office.

Shall give bond.

Salary of counsel and assistants.

Shall be head of department of law.

Shall furnish written opinions.

Shall appoint assistants and clerks.

ment of the municipal government of the city of Detroit, which shall be known as the law department, and shall embrace the corporation counsel, one chief assistant, three additional assistants, one chief clerk, one copying clerk, and such other clerks and subordinates as the common council may see fit to prescribe and establish. The common council shall provide [proper] offices, telephones, fuel, lights and all necessary books, blanks, stationery, etc., for the use of said department.

SEC. 2. The corporation counsel shall be a practicing attorney, appointed as provided in this act. He shall have practiced his profession for at least ten years. He shall be appointed by the mayor on the first Tuesday in June in the year eighteen hundred ninety-six, or within fifteen days thereafter, for the term of four years from the first day of July next succeeding his appointment, and thereafter upon the expiration of his term, his successor shall be appointed for the full term of four years.

SEC. 3. The corporation counsel shall, before entering upon the duties of his office, execute a bond to the city of Detroit in the sum of five thousand dollars, with such sureties as the common council shall approve, conditioned for the faithful performance of the duties of his office.

SEC. 4. The corporation counsel shall receive an annual salary of five thousand dollars, the chief assistant shall receive an annual salary of three thousand dollars, the second assistant shall receive an annual salary of twenty-five hundred dollars, the third and fourth assistants each eighteen hundred dollars per annum, the chief clerk twelve hundred dollars and the copying clerk one thousand dollars. All said salaries shall be payable monthly in installments from the city treasury in the same manner as other city officials are paid.

SEC. 5. The corporation counsel shall be the head of the department of law and he shall superintend and conduct all the law business of the city and its departments, conduct all suits brought by or against the city, or any board thereof, except the board of police commissioners, all prosecutions for the violations of the ordinances of the city, all proceedings for the opening of streets or alleys, all proceedings for the condemnation of lands, draft all such ordinances as may be required by the common council or a committee thereof, and prepare such leases, deeds, contracts or other papers as may be required by the common council or by any department of the city government.

SEC. 6. He shall, when required, furnish written opinions upon all subjects submitted by the common council, by the mayor, or by any board or head of any department of the city government.

SEC. 7. The corporation counsel shall appoint all assistants, clerks and subordinates herein provided for, and such others as may be authorized by the common council. In case of the disability or absence of the corporation counsel, the chief assistant shall have charge of the business of said department, and in case of a vacancy in the office of corporation

counsel, the chief assistant shall perform the duties of such office until the vacancy be filled. The chief assistant, the other assistants and clerks herein provided for, shall hold their respective offices during the pleasure of the corporation counsel.

Assistants to hold office during pleasure of counsel.

SEC. 8. Upon the expiration of the term of office of the corporation counsel, or his resignation thereof, or removal therefrom, such officer shall forthwith on demand deliver to his successor in office all deeds, leases, contracts and other papers and books in his hands belonging to the corporation or delivered to him by the corporation, or any of its officers or department, and all papers in actions prosecuted or defended by him, or which are pending and undetermined.

Shall deliver papers and books to his successor.

SEC. 9. The corporation counsel shall annually, on or before the first day of January in each year, report in writing to the common council of all suits instituted and pending in courts of record in which the city of Detroit is plaintiff or defendant, in which report shall be stated the names of all defendants and plaintiffs, the nature of the action, the date of the commencement and the several steps that may have been taken in court during his term of office to bring such suits to final issue, to be accompanied with such explanatory remarks as said officer may see fit to append, to the end that the council may be kept more fully advised as to the legal affairs of the city. He shall also attach to his said report a list of all such cases as may have been disposed of during his term of office, and subsequent to his last report, together with their results.

Shall report suits instituted and pending to common council.

SEC. 10. No officer, department or municipal board, except the common council and the board of police commissioners, including the board of education of the city of Detroit, shall have or employ any attorney or counsel, unless upon the recommendation of the corporation counsel, but it shall be the duty of the law department to furnish to every department, officer and municipal board such advice or legal assistance, as counsel or attorney in or out of court, as may be required by such officer, department or board.

No officer, department, or board, except, etc., to employ any attorney or counsel.

Duty of law department to furnish advice.

SEC. 11. It shall be the duty of the superintendent of metropolitan police to detail on request of the corporation counsel one or more detectives for services as may be required in connection with the business of said department.

Duty of superintendent of police to furnish detectives.

SEC. 12. It shall be the duty of any officer upon whom any process or other paper may be served in any case commenced or pending against said city, to immediately transmit such process or paper to the corporation counsel, who shall inform the common council of the pendency of such suit or proceeding, and unless otherwise directed by the council he shall appear in such suit or proceeding in behalf of the corporation, and if a judgment or decree be entered therein he may cause an appeal or other appropriate proceeding to be taken to remove such cause to the appellate court, if, in his judgment, the interests of the city so require.

Duty of officer to transmit process or paper to counsel.

Counsel shall appear in behalf of corporation.

SEC. 13. The corporation counsel and his assistants shall appear and act for the people of the State of Michigan, in the police court and recorder's court of said city in all cases arising

Counsel and assistants shall appear for the people in charter cases, etc.

under the charter and the laws creating the several boards and commissions of said city, or for offenses specified in said acts, and information in such cases may be filed by the corporation counsel as informant, in the same manner and with like effect as though they had been filed by the prosecuting attorney of the county.

Corporation need not execute bond on appeal or stay.

SEC. 14. Whenever an appeal shall be taken in any cause, or a writ of error issued in any suit brought against said city of Detroit, it shall not be necessary in order to perfect said appeal, or to stay proceedings upon any judgment, for the corporation to execute any bond or other undertaking, but there shall be the same right to sue and recover against the said city, the same damages that the appellee would have had, had an undertaking or bond been executed by the corporation in such cases. The appeal shall be deemed to have been perfected when a claim or notice of such appeal shall have been filed and notice thereof given to the appellee or his solicitor or attorney.

Appeal perfected when notice filed and appellee or his attorney notified. Office of city attorney abolished after January 1, 1896.

SEC. 15. The office of city attorney in said city of Detroit is hereby abolished from and after the first day of January, eighteen hundred ninety-six, and it shall be the duty of said officer on the date last mentioned, to forthwith deliver to the corporation counsel all deeds, leases, contracts and other papers and books in his possession belonging to the corporation, and all papers, files and documents in all actions prosecuted or defended by him, together with all property of every kind and nature belonging to said corporation. The present city counselor shall be the corporation counsel under this act until his successor shall be appointed and qualified, as provided herein, and shall have the authority and perform the duties of said office, as herein provided.

City attorney to deliver books, papers, etc., to corporation counsel. Present city counselor to be corporation counsel until his successor is elected.

Corporation counsel may be removed for cause.

How clerk removed.

Act repealed.

SEC. 16. The said corporation counsel may be removed from his said office by the circuit court of Wayne county for cause, and upon charges made in writing, and he shall be allowed to be heard in his defense. Any clerk may be removed by the corporation counsel.

SEC. 17. The act entitled "An act supplemental to the charter of the city of Detroit and to provide for a law department in said city," approved June first, eighteen hundred ninety-three, being act number four hundred nineteen of the local acts of eighteen hundred ninety-three, is hereby repealed.

This act is ordered to take immediate effect.

Approved May 4, 1895.

[ No. 390. ]

AN ACT authorizing and empowering the city of Pontiac to borrow money for the purpose of constructing main or trunk sewers in such city.

Authority to borrow money.

SECTION 1. *The People of the State of Michigan enact,* That the city of Pontiac be and it is hereby authorized to bor-



row not exceeding the sum of twenty-five thousand dollars for the purpose of constructing main or trunk sewers in said city, and to pay for the necessary right of way for the location of such sewers, and the laying of the pipes therefor.

SEC. 2. Such money shall be borrowed upon the faith and credit of the city of Pontiac, and the common council of such city is hereby authorized and empowered to issue the bonds of such city in amount not to exceed twenty-five thousand dollars to secure such loan. Such bonds shall be made payable as provided by the common council of said city in not less than ten years and not more than thirty years from date of issue, and shall draw interest at a rate not exceeding six per cent per annum, and may be issued in such denominations as may be deemed advisable by such council.

Common council  
authorised to  
issue bonds.

When payable.

SEC. 3. Before any such money is borrowed by said city, or any such bonds shall be issued and sold, it shall be the duty of the common council to cause the board of sewer commissioners, heretofore appointed by the common council of said city, or their successors in office, to have prepared a diagram or map showing the location of such proposed main or trunk sewers. Such board of sewer commissioners shall also cause plans, specifications and estimates to be made, showing the probable cost of the construction of such main or trunk sewers, together with the cost of the right of way for such sewers, and the other necessary expenditures in and about the construction of the same. Upon such board of sewer commissioners filing such diagram, maps, plans and specifications with the common council, then the common council is hereby authorized to borrow for said city such sum of money as above mentioned, or such part thereof as they shall deem advisable, and issue bonds therefor as above provided. The declaration of said council touching the borrowing of such money and the issuing of such bonds shall be expressed by a resolution of such council, which shall be concurred in upon a ye and nay vote by majority of all the aldermen elect.

Diagram or map  
showing location  
of proposed  
main or trunk  
sewers.

Plans, speci-  
fications and  
estimates.

SEC. 4. The appointment of the present board of sewer commissioners in said city is hereby legalized and made valid, and the members of such board may remain such during the terms for which they were respectively appointed, unless they shall be removed by the common council or otherwise, as may be provided by law. When any vacancy shall occur in such board, the same may be filled by appointment of the mayor, by and with the consent of the council.

Appointment of  
present board  
of sewer com-  
missioners  
legalized.

Vacancies, how  
filled.

SEC. 5. Whenever such [common] council shall pass such resolution in favor of the borrowing of said money and the issuing of such bonds, then the board of sewer commissioners shall cause such bonds to be prepared as provided by resolution of the council, and shall cause the same to be disposed of to the highest bidder by receiving sealed proposals therefor, provided that said bonds shall in no case be sold at less than their par value, and the said sewer commissioners may reject any and all bids therefor.

Bonds to be dis-  
posed of to  
highest bidder.

Proviso.

What bonds  
shall state.

SEC. 6. All such bonds which shall be issued by the city shall be signed by the clerk and countersigned by the mayor thereof, and such bonds shall state upon their face the objects and purposes for which such bonds were issued, and the date and act under which the city was authorized to issue the same, and such bonds shall not be issued or sold for any other purpose than that prescribed in this act, and the money procured therefor shall be used for no other purpose than that herein prescribed.

Supervision of  
sewer construc-  
tion.

SEC. 7. The board of sewer commissioners shall have full charge of the construction of such main or trunk sewers, as well as of the letting of the contract for the construction thereof, and the general supervision over the construction thereof, but no contract shall be let exceeding the amount provided for in this act.

Proceeds to be  
paid into city  
treasury.

SEC. 8. Upon the sale of such bonds, or any part thereof, the proceeds therefrom shall be immediately paid into the city treasury, and by the treasurer placed to the credit of the sewer fund of the city, and such money shall be drawn therefrom only upon the order of the board of sewer commissioners or such board as may have charge of the construction, care and maintenance of the public sewers of the city. All orders upon such fund shall be signed by the chairman or president of such board and countersigned by the secretary thereof.

Council to levy  
and collect such  
sums of money  
as may be re-  
quired to pay  
interest on  
bonds, etc.

SEC. 9. It shall be the duty of the common council, from time to time, as it may be deemed necessary to cause to be levied and collected such sums of money as may be required to pay the interest on such bonds and meet the principal thereof as the same may become due.

This act is ordered to take immediate effect.

Approved May 4, 1895.

[ No. 391. ]

AN ACT to make townships, cities and villages in St. Clair county primarily liable for the payment of all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, where said county is now primarily liable for such payment.

Claims incurred  
in the care of  
persons sick  
with contagious  
diseases, how  
paid.

SECTION 1. *The People of the State of Michigan enact,* That hereafter, within the county of St. Clair, all claims incurred in the care of persons sick with contagious diseases, or diseases dangerous to the public health, or incurred in preventing the spread of such diseases, where said county is now primarily liable for the payment of the same, shall be charged to and paid by the township, city or village in which the same are incurred, when audited by the township board of the township, common council of the city, or village council of the vil-

d shall be paid by said township, city or village as the  
y be, except as hereinafter provided.

2. The board of supervisors of said county shall have Board of super-  
to audit and allow, and order paid by the county, any vis-irs to audit  
claims incurred in the care of persons sick with conta- claims incurred  
seases, or diseases dangerous to the public health, or in the care of  
l in preventing the spread of such diseases, whenever persons sick  
he township, city or village primarily liable for such with contagious  
as provided in section one of this act, should be diseases.  
in whole or in part from the payment of the same.

3. The board of supervisors of said county shall have Power of board  
er to examine into the merits of all claims presented to of supervisors to  
accordance with section two of this act, and upon such allow or reject  
tion, to allow or reject in whole or in part any such claims.

not is ordered to take immediate effect.  
ved May 4, 1895.

[ No. 392. ]

T to incorporate the public schools of the township of  
Vienna, Montmorency county.

ON 1. *The People of the State of Michigan enact,* School district,  
territory embraced in the township of Vienna, in the territory em-  
of Montmorency, be and the same is hereby declared to braced.  
gle school district, which shall be a body corporate, by Body corporate.  
e and style of "The public schools of the township of  
" and by that name may sue and be sued for all school  
ntracted by the board of education, and shall be sub-  
ll the general laws of this State, relating to corpora-  
far as the same may be applicable, and said district  
ve all the powers and privileges conferred upon school  
and union school districts by the general laws of this  
And all schools in said district and all schools here-  
ganized therein in pursuance of this act, under the Shall be public  
as and regulations of the board of education, shall be and free.  
nd free to all persons actual residents within the limits  
between the ages of five and twenty years, inclusive.

2. The officers of said district shall consist of the Officers.  
or of the township, who shall not at the same time  
office of trustee, and four trustees, who shall consti-  
board of education of said district; the terms of office Term of.  
rustees shall be four years each, and until their succes-  
elected and qualified. Said trustees shall be elected  
t at the annual township meeting of the township of  
upon the same ticket and canvassed in the same man-  
wnship officers are required by law to be elected by  
*Provided, That a special election shall be held in said*

Proviso as to special election.	township within sixty days after this act shall take effect, to be held at the same place where the last preceding township election was held, and conducted and canvassed by the same officers and in the same manner as elections for township officers; notice of the time and place of such election shall be given by the township clerk by printed or written notices posted up in five public places in said township at least ten days before the holding of such election. At such special election there shall be elected four trustees of said district by the electors thereof, one of whom shall hold his office until the third Monday of April in the year eighteen hundred and ninety-six, one for the term of one year, one for the term of two years and one for the term of three years, from the third Monday of April succeeding the first annual meeting provided for by this act, and until their successors are elected and qualified, and their terms of office shall be determined by lot, as provided for justices of the peace in new townships in chapter nineteen of Howell's annotated statutes of Michigan; said trustees to be designated on the tickets or ballots, "For members of the board of education."
Notice to be given.	
Trustees to be elected.	
Term.	
Clerk to notify in writing persons elected.	SEC. 3. Within five days after such special or annual election the township clerk shall notify in writing the persons elected trustees under this act of their election, and within five days thereafter said trustees, so elected, shall take and subscribe the oath of office prescribed by the eighteenth article of the constitution, before the township clerk, or some other officer authorized to administer oaths, and file the same with the township clerk, who shall record the same in the records or proceedings to be kept by said board of education: <i>Provided</i> , That in case the township clerk shall fail to give the notice in this section required, then the persons so elected may at any time on or before the third Monday of April succeeding the annual township election at which they are elected, take and subscribe the oath of office and file the same as hereinbefore prescribed; and the term of office of the trustees of said district, other than those elected at such special election, shall commence on the third Monday of April following the annual township election at which they are elected.
Shall take oath of office.	
Proviso.	
Township clerk to be ex officio clerk of board of education.	SEC. 4. The township clerk of the township of Vienna shall be <i>ex officio</i> clerk of said board of education, and shall perform such duties as the board may require, but shall not be entitled to vote therein, and in case of the absence of said clerk the board may by resolution choose some suitable person to perform such duties.
To meet and elect a treasurer.	SEC. 5. The said trustees and the supervisor, who shall be <i>ex officio</i> president of said board of education, shall meet within sixty days after such special election, and on the third Monday of April in each year at the township clerk's office, and elect from their own number a treasurer, who shall hold his office for one year from said third Monday of April, and until his successor is elected and qualified; and may at any time fill by new election any vacancy that may occur in the office of trustee until the next annual election, and each trus-
May fill vacancy.	

tee so chosen shall, within ten days thereafter, file with the clerk of said board the oath of office, as prescribed in section three of this act.

SEC. 6. The majority of the members of said board shall constitute a quorum, and the regular meetings of said board shall be on the third Monday of April, August, December and March in each year, and no notice of such meeting shall be required, and the president and clerk, or any two members of said board, shall be sufficient to adjourn any meetings from time to time until a quorum be present, and special meetings of said board may be called at any time on request of the president, or two members of said board in writing delivered to the clerk, and the clerk on receipt of such request shall at once notify in writing each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk. All meetings of said board shall be held at the township clerk's office unless otherwise directed by resolution of said board. All the records and papers of said district shall be kept in the custody of said clerk, and shall be open to inspection of any legal voter of said district.

Quorum, meetings when to be held.

Special meetings, how called.

Where held.

Records.

SEC. 7. All the school property, real and personal, within the limits of the township of Vienna, heretofore belonging to the different primary school districts in the township of Vienna shall by force of this act become the property of said public schools of the township of Vienna hereby organized; and all the credits of all the several primary school districts at the passage of this act shall belong to the said public schools of the township of Vienna hereby organized, and all the indebtedness of said several primary school districts at the time of the passage of this act shall be assumed and paid by the public schools of the township of Vienna hereby organized.

School property.

Credits.

Indebtedness.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase schoolhouse sites, erect buildings and furnish the same, by a majority vote of said district board, and shall have power to employ teachers, provide books for district library, to make by-laws, regulate the taking of the census of all children in said district between the ages of five and twenty years, to make all necessary reports and transmit the same to the proper officers as designated by law so that the said district may be entitled to its proportion of the primary school fund; and said board shall have authority to make all needful rules, regulations and by-laws relating to visitation of schools, relating to regulations of schools and the books to be used therein: *Provided*, Their acts are not in conflict with any general law relative to text books, and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district and the promotion of the thorough education of the children thereof; and it shall be the duty of such board to apply for and receive from the county treasurer or other officers holding the same, all moneys apportioned for primary schools and the district

Power of board.

Rules and regulations.

Proviso.

To receive all moneys.

library of said district, and may adopt such by-laws and rules for their own procedure as they may deem necessary.

Board to make estimate of amount to be raised.

SEC. 9. The board of education, at their regular meeting on the third Monday of August in each year, shall make an estimate of and determine the amounts of money deemed necessary to be raised by taxes for the ensuing year for all purposes of expenditures within the powers of said board, which estimates shall specify the amounts required for different objects of expenditures, and such shall be entered in the records of proceedings of said board; and the clerk of said board shall, within twenty days thereafter, make a written report of the amount of taxes estimated and determined to be necessary, and certify the same to the supervisor of said township of Vienna, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as other township taxes: *Provided*, That for purchasing school lots and erecting school houses no greater sum than five mills on the dollar of all taxable valuation of the real and personal property of said district shall be levied in any one year, not more than five years from and after the passage of this act, and no greater sum than three mills on the dollar the years thereafter.

What to specify.

Clerk to report to supervisors amount to be taxed.

Proviso.

School and library money, treasurer to keep, how paid out.

To give bonds.

SEC. 10. The treasurer of the board shall have the keeping of the school and library moneys and shall not pay out the same without the authority of the board upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president; and said treasurer shall, before entering upon the duties of his office, give a bond to said district in such sum and with such sureties as said board shall determine, conditioned for the faithful performance of his duties and honest accounting for all moneys coming into his hands belonging to said district.

Annual statement of board, what to state.

Report to be entered in records.

SEC. 11. The said board shall annually, and on the third Monday of March in each year, make a detailed statement of the number of schools in said district, the number of teachers employed and the number of pupils instructed during the preceding year, and the expenditures of said board for all purposes, and all the resources and liabilities of said district which report or statement shall be entered at length in the records of said board and shall be publicly read by the president of said board, or in his absence by the clerk thereof, to the electors of said township of Vienna, at their annual township meeting on the first Monday of April thereafter, between the hours of twelve o'clock noon, and three o'clock in the afternoon.

Township treasurer to report amount of funds on hand on request.

SEC. 12. The treasurer of the township of Vienna shall, at any time at the request of the board of education, report to the clerk the amount of school money in his hands, and shall on the order of the president of said board, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt which shall be filed with the clerk of said board.

**SEC. 13.** All taxes assessed within said township of Vienna for school purposes shall be set forth in the assessment roll of said township in a separate column, apart and distinct from all other township taxes.

Taxes assessed for school purposes to be in separate column.

**SEC. 14.** The compensation of the members, president and clerk of said board shall be one dollar and fifty cents for each day's actual service rendered for such district, to be audited by the said board of education at its regular meetings.

Compensation.

**SEC. 15.** When any township district shall be divided into two or more townships, the existing board of trustees shall continue to act for all the townships until the same have been organized and township boards of trustees duly elected and qualified therein. Immediately after such organization, the township board of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made. When such appraisal has been made, the township boards shall make an equitable division of the existing assets and liabilities of the school district of such former townships, basing their apportionment upon the amount of taxable property in the township divided as shown by the last assessment roll of such former township. When a township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township board of each of the townships shall, immediately after such alteration meet in joint session and make an equitable division of the assets and liability of the school districts of the township from which the territory has been detached, basing their division upon the amount of taxable property as the same shall appear upon the last assessment roll of such township: *Provided*, That whenever any surveyed townships in the present organized township of Vienna is set apart and organized as a separate township, the schools in such new township shall be governed by and conducted in accordance with the general laws of the State, relative to public instruction and primary schools.

Division of districts, who to act.

Assets and liabilities to be divided.

Proviso.

This act is ordered to take immediate effect.

Approved May 6, 1895.

[ No. 393. ]

**AN ACT** to authorize the township of Albert, in the county of Montmorency, to borrow money to be expended in the construction of a system of lighting and fire protection in said township and to issue its bonds therefor.

**SECTION 1.** *The People of the State of Michigan enact*, That the township of Albert, in the county of Montmorency, and State of Michigan, is hereby authorized and empowered to borrow money on the faith and credit of said township, and to issue bonds therefor to an amount not to exceed seven thou-

Authority to borrow money.

**Proviso.**

sand dollars, which shall be expended in constructing a system of lighting and fire protection in said township: *Provided.* That two-thirds of the electors of said township, voting at an election to be called in compliance with the provisions of this act shall vote in favor of such loan in the manner specified in this act and not otherwise.

**Township board authorized to submit the question to voters.**

**Notice of election.**

SEC. 2. The township board of said township is hereby authorized and empowered to submit the question of said loan to the qualified voters of said township, giving due notice thereof by causing the date, place of voting and object of such election to be stated in writing or printed notices in five public places in said township at not less than ten days before said meeting, which notice shall state the object of the election, the amount of money proposed to be raised and the purposes for which the same is to be expended.

**Form of ballot.**

SEC. 3. The vote upon the question shall be by ballot, either written or printed, or partially written or partially printed. Those electors voting for said loan shall have written or printed upon their ballots the words "for the loan," and those voting against the loan shall have written or printed on their ballots the words "against the loan."

**Bonds.**

SEC. 4. If such loan shall be authorized by two-thirds of such electors, said bonds may be issued in such sum, not exceeding the amount hereinbefore limited, and payable at such time and place, not exceeding ten years from the date thereof, and with such rate of interest, not exceeding six per centum per annum, as the said township board shall by resolution direct. Said bonds shall be signed by the township board, countersigned by the treasurer, and negotiated by and under the directions of said board; and the moneys arising therefrom shall be appropriated in such manner as said township board shall determine for the purposes aforesaid.

**Tax for payment of interest and bonds.**

SEC. 5. It shall be the duty of the said township board to raise by tax upon the taxable property of said township, such sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved May 7, 1895.

[ No. 394. ]

AN ACT to enable the city council of the city of Iron Mountain to cause to be raised by tax, for school purposes, in each of the years eighteen hundred ninety-five and eighteen hundred ninety-six, a sum equal to three per cent on the dollar of the taxable valuation of the taxable property in said city



of Iron Mountain, as shown by the tax rolls of the preceding year.

SECTION 1. *The People of the State of Michigan enact,* That the board of education of the public schools of the city of Iron Mountain, in the county of Dickinson, shall in each of the years eighteen hundred ninety-five and eighteen hundred ninety-six, at the time and in the manner provided by law, make and deliver to the city council of the city of Iron Mountain an estimate and report of the amount necessary to be raised in addition to other school funds, for all purposes of expenditure which said board is by law authorized or required to make for the ensuing year, which sums so reported the council shall cause to be raised by tax upon all the taxable property in said city, and paid to the treasurer of said public schools as provided by law: *Provided,* That the amount so to be raised in any one year for any or all of the purposes aforesaid shall not exceed three per cent on the dollar of the taxable valuation of all the taxable property in said city, as shown by the tax rolls of the preceding year.

Board to make report of amount necessary to be raised.

Proviso.

This act is ordered to take immediate effect.

Approved May 7, 1895.

[ No. 395. ]

AN ACT to amend section one of an act entitled "An act to reorganize and incorporate the public schools of the city of Mt. Pleasant," approved February seventeenth, eighteen hundred ninety-three, and to annex certain territory to school district number three of the township of Union in Isabella county.

SECTION 1. *The People of the State of Michigan enact,* That section one of act number two hundred twenty-four of the local acts of eighteen hundred ninety-three, entitled "An act to reorganize and incorporate the public schools of the city of Mt. Pleasant," be and the same is hereby amended so as to read as follows: That all the following described territory, to wit: The east half of section nine, the south three-fourths of section ten, the south half of section eleven, the southwest quarter of section twelve, the west half of section thirteen, all of sections fourteen and fifteen, the east half of section sixteen, and the northeast quarter and the east half of the southeast quarter of section twenty-one, the north half and southwest quarter and west half of the southeast quarter, and the north half of the northeast quarter of the southeast quarter of section twenty-two, the north half of section twenty-three and the north half of the southwest quarter of section twenty-three, and the northwest quarter of section twenty-four, all in town fourteen north, range four west, and such other territory as may be hereafter

Section amended.

Territory described.

Powers and  
privileges.

Territory an-  
nexed to school  
district No. 3.

added to the city of Mt. Pleasant, shall constitute a school district and be known and designated as "The public school district of Mt. Pleasant," by which corporate name it may contract, sue and be sued, and such district shall have all the powers and privileges conferred upon school districts by the general laws, and in addition thereto such powers and privileges as are conferred by this act. And the southeast quarter of the southeast quarter, and the south half of the northeast quarter of the southeast quarter of section twenty-two, and the southwest quarter of the southwest quarter of section twenty-three, in town fourteen north, range four west, which heretofore constituted a part of the above named school district, shall be and is hereby annexed to and constitute a part of school district number three, in the township of Union in Isabella county.

This act is ordered to take immediate effect.

Approved May 8, 1895.

[ No. 396. ]

AN ACT to provide for the organization of a fractional school district in the townships of Brady and Chesaning, in the county of Saginaw, and in the townships of New Haven and Rush, in the county of Shiawassee, State of Michigan, to be known as the Oakley public school district.

Territory  
incorporated.

SECTION 1. *The People of the State of Michigan enact,* That the territory described as the north half of section twenty-five, and the southeast quarter of section twenty-five, and the east half of the southwest quarter of section twenty-five, and the east half of section thirty-six, and the southwest quarter of section thirty-six, and the east half of the northwest quarter of section thirty-six, and the southwest quarter of the northwest quarter of section thirty-six of township number nine north of range number two east, and that part of sections thirty and thirty one that have been detached from the township of Chesaning and attached to the township of Brady, in Saginaw county; and the southwest quarter of section nineteen, town nine north of range three east, also all that part of the northwest quarter of section six lying east of the Shiawassee river, and the north part of the west part of the northwest quarter of section six lying west of the Shiawassee river, being in town eight north of range three east, known as the township of New Haven, Shiawassee county; also the north half of the south half of the northeast quarter, and the northeast quarter of the northeast quarter, and the northwest quarter of the northeast quarter of section one, town eight north of range two east, being in the township of Rush, Shiawassee county, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, to be known by

Body corporate.

the name and style of the "Oakley public school district," and in that name shall be capable of suing and being sued, of contracting and being contracted with, and of buying, selling and holding such real and personal estate as is authorized by the statutes governing such corporations. Name of.

SEC. 2. The first meeting for organization in said district shall be held on the second Monday in July, eighteen hundred ninety-five, at which meeting there shall be elected by ballot one trustee for the term of one year, two trustees for the term of two years and two trustees for the term of three years; and an annual meeting shall be held on the second Monday of July in each year thereafter, when a successor or successors shall be elected to the trustee or trustees whose term of office shall expire; and all such trustees shall be qualified electors of said district and shall constitute the board of trustees of said district. Meeting for  
organization,  
when held.  
Trustees to be  
elected.  
  
Annual meeting,  
when held.

SEC. 3. Said board of trustees shall, within one week after each annual meeting of said district, elect from among their number a president, a secretary and a treasurer, and said secretary shall draw a salary of not to exceed twenty-five dollars per year; in all other things not provided for in this act said district shall be governed by the general laws of this State for graded schools. Board to elect  
officers of.  
  
Secretary,  
salary of.

SEC. 4. The present officers of school district number eight, in Brady township, Saginaw county, viz.: Peter Forbes, moderator, Daniel Arthur, assessor, and Louis K. Clark, director, shall give legal notice of and preside at the first election of trustees in said Oakley public school district. Who to give  
legal notice of  
and preside at  
first meeting.

This act is ordered to take immediate effect.

Approved May 8, 1895.

[ No. 397. ]

AN ACT to amend section twenty-two of an act entitled "An act to incorporate school district number one of the city and township of Kalamazoo, Kalamazoo county, Michigan, and to repeal all acts and parts of acts inconsistent therewith, and to provide for the maintenance of a public library under the management and control of the board of education of said district," being act number three hundred thirty-five of the local acts of eighteen hundred ninety-one, approved May twenty-sixth, eighteen hundred ninety-one.

SECTION 1. *The People of the State of Michigan enact,* That section twenty-two of an act entitled "An act to incorporate school district number one of the city and township of Kalamazoo, Kalamazoo county, Michigan, and to repeal all acts and parts of acts inconsistent therewith, and to provide for the maintenance of a public library under the management and control of the board of education of said district," being Section  
amended.

act three hundred thirty-five of the local acts of eighteen hundred ninety-one, approved May twenty-sixth, eighteen hundred ninety-one, be amended so as to read as follows:

Qualifications  
of voters.

SEC. 22. Every person, male and female, of the age of twenty-one years, who has property assessed for school taxes in any school district, and who has resided therein three months next preceding any school meeting held in said district, or ~~who~~ has resided three months next preceding such

any territory belonging to said district at the time holding said meeting shall be a qualified voter in said meeting upon all questions and all other persons, male and female, who are twenty-one years of age, and are the parents or legal guardians of any child included in the school census of the district and who have three months aforesaid been residents in said district or in any territory belonging thereto, at the time of holding any school meeting, shall be entitled to vote upon all questions arising in said district which do not directly involve the raising of money by tax. The board of education of school district number one, city and township of Kalamazoo, shall provide by resolution for the registration of qualified voters of said district at least fifteen days before the next annual meeting to be held in said district and at least fourteen days previous to each subsequent meeting to be held therein hereafter, and no person shall be permitted to vote at any school election held in said district unless properly registered as a voter therein, and in such registration those entitled to vote as taxpayers shall be registered separately as such, and those entitled to vote only upon questions arising in said district which do not directly involve the raising of money by taxes shall be separately registered as such.

To provide for  
registration.

This act is ordered to take immediate effect.

Approved May 9, 1895.

[ No. 398. ]

AN ACT to amend section twelve of chapter twenty-eight of act number two hundred and forty-one of the local acts of eighteen hundred ninety-one, entitled "An act to reincorporate the city of Escanaba, in the county of Delta, to add territory thereto and to repeal all acts and parts of acts in contravention thereof."

Section  
amended.

SECTION 1. *The People of the State of Michigan enact,* That section twelve of chapter twenty-eight of act number two hundred and forty-one of the local acts of eighteen hundred ninety-one, entitled "An act to reincorporate the city of Escanaba, in the county of Delta, to add territory thereto and to repeal all acts and parts of acts in contravention thereof," be and the same is hereby amended so as to read as follows:

SEC. 12. Should any greater sum be required in any one year than can be raised under the provisions of the foregoing sections, such sum, not exceeding two per cent of the taxable valuation of the property in the city for the preceding year, may be raised by tax or loan if authorized by a majority vote of all the qualified electors of the district, being taxpayers, present at any special meeting appointed and called by the board for the purpose of voting thereon. Notice of the time and place and object of any such meeting shall be given by publishing such notice in one of the newspapers of the city, and by posting copies thereof in five public places in the city, at least ten days before the meeting.

Excess may be raised by tax or loan.

This act is ordered to take immediate effect.

Approved May 10, 1895.

[ No. 399. ]

# AN ACT to prohibit fishing with certain nets in Manistee county.

SECTION 1. *The People of the State of Michigan enact,* That it shall not hereafter be lawful for any person to fish with seines, pound nets, traps, trap nets, or any net of whatsoever kind or description, in any of the lakes, bays, bayous, harbors, rivers or streams within the county of Manistee in this State; and when such streams empty into Lake Michigan, or such lakes, bays, bayous, or harbors have an outlet into said Lake Michigan this act shall apply to the waters of Lake Michigan at any point within the distance of one hundred and sixty rods from the outlet of any stream therein, or where there are piers between which such waters are discharged into said Lake Michigan within one hundred and sixty rods of the outermost end of such piers; or take from said waters any fish, by any means whatsoever, except by hook and line: *Provided,* That except, as aforesaid, this act shall not apply or be construed as applicable to the waters of Lake Michigan.

Use of nets unlawful.

SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment in the discretion of the court.

Penalty.

Approved May 10, 1895.

## [ No. 400. ]

AN ACT to legalize certain proceedings of school district number three of the township of Hampton, Bay county, Michigan, relative to sending certain resident scholars of said district to the high school of Bay City, Michigan, and paying their tuition.

School district No. 3 of Hampton authorized to send scholars to Bay City high school.

Provide.

SECTION 1. *The People of the State of Michigan enact,* That school district number three of the township of Hampton, Bay county, Michigan, is hereby authorized to send the resident scholars of said district above the eighth grade, to the high school in Bay City, Michigan, and pay their tuition from the funds of said district, in accordance with the vote of said district, as expressed at a special meeting of the electors of said district called for that purpose, and held on the first day of September, one thousand eight hundred ninety-two, and that all the proceedings of said meeting, and the action of the district board thereon, be and the same are hereby legalized: *Provided,* That nothing herein contained shall prevent the authorities of said Bay City high school from refusing to admit said scholars: *And provided further,* That the electors of said school district may rescind the proceedings of said special meeting at any annual meeting.

This act is ordered to take immediate effect.

Approved May 10, 1895.

## [ No. 401. ]

AN ACT to provide for a registration of electors and the holding of elections in school district number seventeen in the city of Jackson and townships of Blackman and Summit.

Board to provide books for registration.

Notice of to be published.

Registering officers.

SECTION 1. *The People of the State of Michigan enact,* That it shall be the duty of the board of education of school district number seventeen of the city of Jackson and townships of Blackman and Summit, to provide books of registration for the school district electors thereof and to give public notice for at least ten days of the times and place of registration, which in the year eighteen hundred and ninety-five shall be for at least three days of the week preceding the annual election of trustees, and for one or more days of the preceding week at each subsequent annual election or at any special election, which notice shall be published in one or more newspapers and posted in at least twenty public places of said district, but such notice need not include any list of the electors already registered. The members of said board shall be registering officers, of whom any two may act, and if it shall be necessary, the said board may divide their members so as to receive registration in contiguous rooms or parts of the same room, in that case designating by let-

ters of the alphabet the particular places where individuals with corresponding initials in their surnames may register, and such registering officers shall have power to administer oaths and to do all other things which may be done in the registering of electors in cities under the laws of this State. The board of education may, if deemed necessary, designate other persons than members of the board, to aid in such registration and the persons so designated shall have the like powers for the purpose of such registration as though members of said board of education. On the last day of registration, the place for registration shall be kept open until eight o'clock in the afternoon. In making such registration, as many books as the board of education may deem necessary shall be provided, and said board may, in its discretion, provide for books for each or certain letters of the alphabet, and for different books for male or female electors. The board of education may prescribe such other reasonable rules as to registration as shall be not inconsistent with the general plan of the laws of the State as to registration in cities, but such rules shall have no effect until they shall have been published at least twice in some newspaper published in said city and printed in conspicuous type, and posted for at least five days before the first day of registration in any year, in at least ten conspicuous places in said district.

Board may designate other than members to aid in registration.

Time of closing.

Board may prescribe other rules.

SEC. 2. Notice of any annual or any special election in said school district shall be published in two or more newspapers of the city of Jackson, for at least ten days preceding the election, and a like notice shall be posted for the same time in at least twenty places in said school district, which notice may make part of that of the time and place for the registration of electors preceding the election. The ballots to be used at such election shall be printed on plain white paper, of uniform size, and without any effort to distinguish the same from other ballots. The members of said board of education shall be inspectors of such election, and any two of them may act in receiving the ballots and counting the votes; and if it shall appear at the time of the election that it will be necessary to receive ballots in more than one box, the said board of education may direct the providing of as many boxes as shall be judged sufficient to permit all the electors so desiring to vote, and shall arrange for different inspectors to receive ballots at each box so provided, and if deemed necessary, said board of education may appoint competent persons not members of the board, and who are not candidates at the election, to act as such inspectors in receiving and counting the votes. The inspectors acting shall count and certify to the board of education the number of votes cast for each person named on the ballot for the office of trustee upon the lawful ballots received by them, but they shall reject all ballots having upon them any distinguishing marks, or upon which is printed any vignette, symbol or words or letters indicating any political or religious organization, or any secret society. Ballots so rejected shall be marked "Rejected," and preserved separately from the other ballots. Where more than

Notice to be published in newspapers.

Ballots.

Inspectors.

Shall certify number of votes cast.

What to reject.

Rejected ballots.

When more  
than one box is  
used, how to des-  
ignate.

one box shall be opened for the reception of ballots, the board of education shall designate in accordance with the divisions by alphabetical letters or by sex in the registration of electors, the boxes where the different electors, male or female, or of initials in their surnames shall vote corresponding as near as may be to what was done in the registration of voters. The election shall, if necessary to permit all the electors so desiring to vote, to be held open during the evening of the election day and shall not in any case be closed before eight o'clock in the afternoon. In all other respects the proceedings at such election, including the appointment of clerks, the keeping of poll lists, the taking of preliminary oaths by inspectors and clerks, the preservation of ballots and poll lists, shall as near as may be be like those of township or ward elections, and the like powers at such elections are conferred upon the inspectors thereof to preserve order, to administer oaths and to register the names of electors absent or unable to register on the days fixed for such registration.

Meeting and  
election of  
trustees.

SEC. 3. The annual meeting of the electors of said district shall be held on the second Monday of July in each year, and the annual election of trustees shall take place on Saturday of the next preceding week.

This act is ordered to take immediate effect.

Approved May 13, 1895.

[ No. 402. ]

AN ACT to amend section two of act number three hundred and seventy-nine of the local acts of the State of Michigan for the year one thousand eight hundred and ninety-one, entitled "An act to provide for the compensation and to prescribe the duties of certain officers of the county of Kent," approved June twenty-sixth, eighteen hundred ninety-one.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact,* That section two of act number three hundred and seventy-nine of the local acts of the State of Michigan for the year one thousand eight hundred and ninety-one, entitled "An act to provide for the compensation and to prescribe the duties of certain officers of the county of Kent," approved June twenty-sixth, eighteen hundred ninety-one, be and the same is hereby amended to read as follows:

Fees, officers  
to collect.

Proviso.

SEC. 2. It shall be the duty of the officers in the foregoing section named, to collect all fees now provided by law for the performance of duties growing out of their said offices: *Provided,* That before any suit at law, or in equity, shall be commenced in the circuit court of said county, there shall be paid to the clerk of said court, by the party commencing such suit, the sum of four dollars, and further, that in all cases where an issue of fact is joined, before trial or taking evidence therein,



there shall be paid to the clerk of said court, by the party commencing such suit, the further sum of four dollars as a judgment or decree fee: *Provided*, That the judgment or decree fee in the following cases shall be: The sum of two dollars in all default or *pro confesso* cases; the sum of one dollar in all proceedings to remove cloud from title to real estate or for appointment of special guardian when not contested; the said judgment or decree fee in all such cases shall be paid to the said clerk, before hearing or taking evidence therein. There shall also be paid to said clerk by the defendant, the sum of two dollars before any judgment of non-suit shall be allowed. There shall also be paid to said clerk, a discontinuance fee of one dollar in all cases discontinued before trial or taking evidence: *Provided*, That in all *ex parte* proceedings not otherwise provided for in this act, the sum of two dollars shall be paid to said clerk, which sum shall be in full of all clerk's fee. If a jury shall be demanded by either party to any suit, such party shall at the time of making such demand, pay to said clerk the sum of three dollars: *Provided*, That in case both parties demand a jury the clerk shall receive such sum from the party first making the demands only. All moneys so received shall be paid by said clerk to the county treasurer, as provided in section three of this act. The sum paid as aforesaid shall be held to be in full of all clerk, entry and jury fees in any such suit, from the commencement thereof to and including the issuing and return of execution or other final process. The sum or sums so paid shall be taxed as costs of suit in favor of the party paying the same, if he be the prevailing party, in addition to any other costs to which he may be entitled by law.

*Proviso as to  
decree fee.*

*Discontinuance  
fee.*

*Proviso.*

*Jury fee.*

*Proviso.*

SEC. 2. All acts or parts of acts contravening the provisions of this act are hereby repealed.

*All contraven-  
ing acts re-  
pealed.*

This act is ordered to take immediate effect.

Approved May 11, 1895.

[ No. 403. ]

AN ACT to authorize the township of Hillman, in Montmorency county, Michigan, to borrow money to be used in paying outstanding orders and indebtedness of said township, and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact*, That the township board of the township of Hillman, in Montmorency county, Michigan, be and is hereby authorized and empowered to borrow, on the faith and credit of said township, for the purpose of paying outstanding orders and indebtedness of said township, the sum of twenty-five hundred dollars, which is to be due and payable within five years from the date of said loan, at a rate of interest not exceeding six per cent per

*Township board  
authorized to  
borrow money.*

To execute  
bonds.

annum, and to execute coupon bonds of said township therefor, in such form as said board shall determine, which bonds shall in no case be disposed of for a sum less than their par value and accrued interest.

No money shall  
be borrowed or  
bonds issued  
except on a two-  
thirds vote.

SEC. 2. Such money shall not be borrowed, nor such bonds issued, unless a two-thirds majority of the qualified electors of said township voting at a special election to be held within ninety days after the passage of this act in the same place as the last township election was held and conducted in the manner hereinafter provided shall so determine, and said township board is hereby authorized and empowered to submit the question of said loan to the qualified electors of said township, giving due notice thereof by causing the date, place of voting, and object of said election to be stated in printed or written notices in five public places in said township, not less than twenty days before said election, which notice shall state the amount of money proposed to be borrowed and the purpose to which it shall be applied.

Board to submit  
question of  
loan.

What to state.

Vote to be by  
ballot, what to  
state.

SEC. 3. The vote upon such proposition shall be by ballot, either written or printed, or partly written [and] or partly printed. Ballots in favor of such proposition shall be in the following words, "For issuing township bonds—Yes." And ballots against the same shall be in the following words, "For issuing township bonds—No." And it shall be the duty of the said township board to provide at the polls of such election during the whole time while the same shall be opened a sufficient number of ballots both for and against such proposition as shall be necessary to supply all the electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as in other township elections, and immediately upon the conclusion of such canvass the inspectors of the election shall make and sign a certificate, showing the whole number of votes cast upon such proposition, and the number for and against the same respectively. And said inspectors shall indorse upon such certificate a declaration in writing of the result of such election, which certificate and declaration shall then be filed with the clerk of said township, and a copy of said certificate and declaration certified to by said township clerk, and shall be filed by him with the county clerk of Montmorency county.

How conducted.

Bond, when to  
issue, amount,  
and when  
payable.

SEC. 4. If such loan shall be authorized by two-thirds of such electors, said bonds may be issued in such sums, not exceeding the amount hereinbefore limited and payable, at such time and place not exceeding five years from the date thereof, and with such rate of interest not exceeding six per cent per annum, as the said township board shall by resolution direct. Said bonds shall be signed by the township board, countersigned by the treasurer and negotiated by and under the directions of said board, and the moneys arising therefrom shall be appropriated for the purpose of paying outstanding orders and indebtedness of the said township of Hillman, and for no other purpose.

Who shall sign.

SEC. 5. It shall be the duty of the said township board to raise by tax upon the taxable property of said township, such sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due.

To raise by tax money to pay bonds and interest.

This act is ordered to take immediate effect.

Approved May 11, 1895.

[ No. 404. ]

AN ACT to vacate the township of Ogemaw in the county of Ogemaw, and to incorporate its territory within the adjoining township of West Branch, in Ogemaw county.

SECTION 1. *The People of the State of Michigan enact,* That the organization of the township of Ogemaw, in the county of Ogemaw, be and the same is hereby vacated, and that the territory thereof be and the same is hereby attached to the township of West Branch in said county.

Township vacated, territory attached to West Branch.

SEC. 2. All the rights of action, demands, credits, choses in action and property of whatever name or nature now belonging to or existing in favor of said township of Ogemaw, shall hereafter remain the credits, demands and rights of action in favor of said township of West Branch.

Existing property of Ogemaw township, where to remain.

SEC. 3. All the debts, demands and rights of action now existing against said township of Ogemaw, shall be assumed by said township of West Branch, and shall hereafter become and remain the debts, demands and rights of action against said township of West Branch.

Debts, demands, rights of action, who to assume.

SEC. 4. It shall be the duty of the township officers of said Ogemaw township to turn over to the proper officers of said West Branch township, the same as if said West Branch township officers were their successors in office, all funds, files, records, and papers in their possession by virtue of their said offices.

Officer of Ogemaw township to turn over to officer of West Branch all funds, files, records, etc.

Approved May 11, 1895.

[ No. 405. ]

AN ACT to authorize the township board of the township of Briley, in Montmorency county, to borrow money to be used in building a bridge across Thunder Bay river in said township, and to build a township highway from Atlanta to Jackson Lake in said township, and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact,* That the township board of the township of Briley, in the county of Montmorency, shall have and is hereby authorized and empowered to borrow money on the faith and credit of said

Authorized to borrow money, amount and purpose of.

Bonds to issue.	township and issue bonds therefor to an amount not exceeding five thousand dollars, which shall be expended in building a bridge across Thunder Bay river in said township, and to build a township highway from Atlanta to Jackson Lake in said township: <i>Provided</i> , That two-thirds of the electors in said township, voting at an election to be called in compliance with chapter nineteen of Howell's annotated statutes of Michigan, shall vote in favor of such loan in the manner therein specified and not otherwise.
Proviso.	
Bonds, denomination of, and when payable.	SEC. 2. If such loan be authorized by two-thirds of said electors, said bonds shall be issued in denominations of one thousand dollars each, said bonds to be made payable as follows: Six years from date of issue, one thousand dollars; seven years from date of issue, one thousand dollars, continuing in the same ratio up to a period not exceeding ten years from date of issue, and with a rate of interest not exceeding six per cent per annum, and they shall be signed by the supervisor and clerk of said township, and negotiated by and under the direction of said township board, and the money arising therefrom shall be appropriated in such manner as said township board shall determine, for the purpose aforesaid, to be used in building a bridge across Thunder Bay river in said township, and to build a township highway from Atlanta to Jackson Lake in said township; and the said township board shall have power, and it shall be their duty, to raise by tax upon the taxable property of said township, such sum or sums as shall be sufficient to pay the amount of said bonds, and the interest thereon, as fast as the same shall become due, as hereinbefore stated.
To be signed by supervisor and clerk.	
Purpose of.	
Power and duty of board.	

This act is ordered to take immediate effect.

Approved May 11, 1895.

[ No. 406. ]

AN ACT to provide for two voting precincts in the township of Chesterfield in the county of Macomb.

Township to be divided into two voting precincts.

Precinct number one.

SECTION 1. *The People of the State of Michigan enact*, That the township of Chesterfield, in the county of Macomb, shall be divided into two voting precincts, as follows, viz.: All that portion of said township lying east of a line beginning at the northeast corner of section four, town three north, fourteen east, running thence south on the section line between sections three and four, nine and ten and fifteen and sixteen, three miles to the southeast corner of section sixteen of said township three north, range fourteen east, running thence west on the section line between sections sixteen and twenty-one to the southwest corner of section sixteen, running thence south on the section line between sections twenty and twenty-one to

orthwesterly side line of private claim number one hundred ninety-three, running thence southwesterly along the westerly side line of said private claim number one hundred ninety-three to the center of the Cotton road, so thence running southeasterly along the center of said road to Lake St. Clair, shall constitute voting precinct number one. All that portion of said township of Chesterfield west of the line as above described shall constitute precinct number two.

Precinct number two.

2. The polling place for the electors resident and in the territory above described as precinct number one, be at such place as the present township board of the township of Chesterfield shall determine, and the polling place for electors resident and being in the territory known as precinct number two shall be at the Congregational Hall on the eighth in said township.

Polling places.

3. The present officers of the township of Chesterfield be by law constituted the boards of registration and election for precinct number one of said township of Chesterfield. The board of election for the first election to be held in precinct number one of said township of Chesterfield shall be Charles Yates, J. F. Cotton and Frank Hart, and the first board of election in precinct number two shall be Charles Yates, J. F. Cotton, R. Knight and Frank Hart.

Board of registration.

4. It shall be the duty of the township board of the township of Chesterfield to supply the necessary blanks for registration and election, and the necessary blanks for the purpose thereof to be used in precinct number two.

To supply blanks.

5. The election in the precincts herein provided for be conducted in accordance with the provisions of the laws for the conduct of elections and the canvass and of votes shall be in accordance with the law governing canvass and return of votes in townships having more than one precinct.

Elections, canvass and return of votes, what to govern.

Approved May 11, 1895.

[ No. 407. ]

ACT to amend sections two and three of chapter four; sections one, two, three, five and seventeen of chapter six; section one of chapter seven, entitled "Compensation of juries;" section three of chapter eleven, sections one, two, thirteen and nineteen of chapter twenty-eight, and sections one and fifteen of chapter thirty, of act number three hundred and twenty-one of the local acts of eighteen hundred and ninety-three, entitled "An act to reincorporate the city of East Stone, in the county of Delta, and to repeal all acts or

parts of acts inconsistent with the provisions of this act," approved March twenty-seventh, eighteen hundred ninety-three.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections two and three of chapter four; sections one, two, three, five and seventeen of chapter six; section one of chapter seven, entitled "Compensation of officers;" section three of chapter eleven; sections one, eighteen and nineteen of chapter twenty-eight, and sections three and fifteen of chapter thirty, of act number three hundred and twenty-one of local acts of eighteen hundred ninety-three, entitled "An act to reincorporate the city of Gladstone, in the county of Delta, and to repeal all acts or parts of acts inconsistent with the provisions of this act," approved March twenty-seventh, eighteen hundred ninety-three, be amended so as to read as follows:

#### CHAPTER IV.

##### ELECTORS AND REGISTRATION.

Legal residence.

SEC. 2. Every elector shall vote only in the ward where he shall have resided during the twenty days next preceding the day of election. The residence of any elector, not being a householder, shall be deemed to be in the ward in which he takes his regular meals.

Board of registration.

SEC. 3. One of the aldermen of each ward, and a competent elector of each ward to be designated by the city council, shall constitute a board of registration for each of the wards respectively. In case either member of such board of registration may be absent or unable to attend any meeting of the board of registration, the other member of said board may choose a

Vacancies how filled.

competent elector of the said ward to act as member of the said board, subject to the approval of the electors present, to be determined by a *vim voce* vote. The members of the board of registration, other than the aldermen, shall each take the constitutional oath of office, before entering upon the discharge of their duties, to be administered by an alderman, a notary public or other officer authorized to administer oaths under the laws of this State. It shall be the duty of the city council to provide for the reregistration of the voters of the city of Gladstone, on the Saturday next preceding the first Monday in April, in the year one thousand eight hundred and ninety-three, and at the sessions of the several boards of registration for the wards of the said city, previous to the general election in November in the year one thousand eight hundred and ninety-six, they shall make a reregistration of the qualified electors of the respective wards, in books of the form provided by law. All proceedings relative to registration in said city, shall be the same as those provided by law for the registration of voters in cities, so far as they are not inconsistent with the provisions of this act; and a like reregistration of the electors

Oath.

Reregistration.

Registration books, form of.

of each ward shall be made at the sessions of the board next preceeding the general elections in the year one thousand eight hundred and ninety-six, and every fourth year thereafter. When such new registration shall be made, the former registry of the electors shall not be used, nor shall any person vote at any election in such ward, after such reregistration, unless his name shall be registered in such new register. Notice that such reregistration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made. Except as herein otherwise provided, said city shall be subject to the general laws of the State of Michigan, relative to the registration of electors in cities.

Registration  
required.

Notice of regis-  
tration.

## CHAPTER VI.

### OFFICERS.

SECTION 1. In the city as incorporated under this act, there shall be the following city officers: A mayor, city clerk, city treasurer, and four justices of the peace, who shall be elected by the qualified electors of the whole city.

City officers.

SEC. 2. In each ward, a supervisor, two aldermen and one constable shall be elected by the qualified electors of the respective wards.

Ward officers.

SEC. 3. The following officers shall be appointed by the city council namely: A city attorney, street commissioner, city assessor, director of the poor and city physician. The city council shall also have the power to appoint a city surveyor. There shall also be appointed by the mayor, by and with the consent of the city council, five members of a board of fire and water commissioners, whose powers, duties, qualifications and terms of office shall hereinafter be described, and also a city marshal. In the case of a tie, on the question of confirming such appointments, the mayor shall have the casting vote. Authority is also given the city council to provide by ordinance for the appointment of, and to appoint for such term as may be designated in such ordinance, such other officers whose election or appointment is not herein specially provided, as the city council shall deem necessary for the execution of the powers granted by this act; and the city council may remove such officers for cause as hereinafter provided. The powers and duties of such officers shall be prescribed by ordinance.

Officers ap-  
pointed.

Other officers  
may be ap-  
pointed.

SEC. 5. The mayor, city clerk, city treasurer, supervisors and constables, shall hold their offices for a term of one year from the first Monday in April in the year when elected, and until their successors are elected, qualified and enter upon the duties of their offices. One justice of the peace shall be elected annually for a term of four years who shall serve from the fourth day of July next after his election. Aldermen shall be elected biennially, and shall hold their offices for a term of two years, from the first Monday in April of the year when

Term of elective  
officers.

elected and until their successors are elected and qualified, and enter upon the duties of their offices.

#### VACANCIES IN OFFICE.

Vacancies, how filled.

SEC. 17. A vacancy in the office of mayor, or any of the aldermen, occurring more than ninety days before the annual city election, shall be filled by special election. A vacancy in the office of any alderman occurring within ninety days before an annual election, and all vacancies in the office of justice of the peace, shall be filled at the next annual election. A vacancy in the office of a trustee or member of the board of education, shall be filled by appointment by the board of education as hereinafter provided. Vacancies in any other office shall be filled by appointment by the council, within twenty days after the vacancy occurs; or, if the vacancy be in an elective office, it may be filled by an election or an appointment in the discretion of the council. An appointment to fill any vacancy shall be for the unexpired portion of the term.

### CHAPTER VII.

#### COMPENSATION OF OFFICERS.

Mayor and aldermen.

Proviso.

City clerk, marshal, city attorney, assessor and city physician.

Street commissioners.

Director of the poor.

Treasurer.

SECTION 1. The mayor and aldermen may each receive not to exceed the sum of three dollars per day as committeemen, and at the same rate for any portion of a day, while engaged as such, provided the amount so received by each shall not exceed the sum of fifty dollars in any one year. In addition thereto, while serving as members of the board of registration, inspectors, or clerks of election, they shall receive the same sum as hereinafter provided for such duties. The city clerk, city marshal, city attorney, city assessor and city physician, shall receive such annual salary as the council shall determine. The city marshal, in addition to the salary aforesaid, justices of the peace, constables and officers serving process, and making arrests, may when engaged in causes and proceedings for violations of ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. The street commissioner shall be entitled to receive two dollars and fifty cents per day for his services, and at the same rate for parts of days actually employed. The director of the poor shall be entitled to receive such compensation as the city council shall allow, not exceeding two dollars per day for every day actually employed in the duties of his office. Supervisors shall be allowed the same fees, and such compensation for their services when actually employed in their duties as supervisors, performing like duties in townships, are or may hereinafter be allowed by law. The city treasurer shall receive an annual salary of two hundred dollars, which shall include the making of the annual delinquent tax



roll or rolls, and his returns to the county treasurer: *Provided*, That the board of education of said city, by a majority vote of the trustees elect, may vote an additional compensation, not to exceed one hundred dollars per year, for services as treasurer of said school district. The city treasurer shall, in addition thereto, for the collection of all taxes, be entitled to receive such percentage as is or shall be prescribed by law for township treasurers, and may be added by him to the taxes in like manner as township treasurers are or may hereafter be authorized to add the same; and for the collection of all special assessments, the said treasurer or other person appointed to collect the same, shall be entitled to receive such percentages [as] the city council shall by general ordinance prescribe to be added and collected in the same manner as the special assessment. The city surveyor shall be entitled to receive for his services, a compensation not exceeding four dollars per day for every day actually employed in the duties of his office, including the time consumed in traveling to and from the place of making the survey, and twenty-five cents for recording each description, and twenty-five cents for each certificate or copy thereof, to be paid by the person for whom the survey is made, and shall not be liable to prosecution in an action of trespass, for entering upon any lands in the discharge of his duties. The members of the board of review shall receive for their compensation three dollars per day, while performing their duties as members of the board of review. The members of the board of registration, inspectors and clerks of election shall receive the sum of three dollars for their entire services at any registration or election, and no further compensation. All other officers elected or appointed by the city shall, except as hereinafter otherwise provided, receive such compensation as the city council shall determine.

Surveyor.

Members of the board of review.

Board of registration, inspectors and clerks of elections.

## CHAPTER XI.

### GENERAL POWERS OF THE CITY CORPORATION.

SEC. 3. No license shall be granted for any time beyond the first Monday in May thereafter, nor shall any license be transferable, and the city council may provide for the punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the city council.

Licenses.

## CHAPTER XXVIII.

### FINANCE AND TAXATION.

SECTION 1. The fiscal year of the city of Gladstone shall commence on the third Tuesday of March in each year, unless otherwise provided by ordinance.

Fiscal year, when to begin.

Loans to be repaid by special assessments.

SEC. 18. The city council shall also have authority to raise money by loan in anticipation of the collection of special assessments, for the purpose of defraying the cost of the improvement, for which the assessment was levied, and to issue bonds or city warrants therefor, bearing interest; and the assessment, when collected, shall be applied to the payment of such loan, or said bonds or warrants may be payable from the proper general fund. Interest may be added thereto as a part of the cost of the improvement. Such loans shall not exceed the amount of the assessment for the completion of the whole work.

When two-thirds vote required to raise money.

SEC. 19. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of grounds therefor, or for any public improvement or purposes, to be paid for from the general funds of the city, than can be raised by the city council, under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by two-thirds vote of all the electors voting upon the question at an annual city election, or at a special election called for that purpose. The additional amount that may be voted or raised in any year under the provisions of this section shall not exceed one per cent of the assessed valuation of property in the city, as shown by the last preceding assessment roll made therein. The aggregate amount of the bonded indebtedness of the city shall at no time exceed in amount a sum equal to ten per cent of the aggregate of the last assessment roll of the taxable property in said city: *Provided further*, That in addition thereto the city may borrow money and issue bonds or city warrants, and have an additional indebtedness to the amount of five thousand dollars, for the purpose mentioned in section eighteen of this chapter: *And provided further*, That the city council may borrow in any year, in anticipation of the collection of taxes in the same year, such sum not exceeding one half of the tax, as may be necessary to defray current expenses, and to issue bonds or certificates of indebtedness therefor, bearing interest at a rate not exceeding eight per cent per annum. Said bonds or certificates to be paid from the money collected on said assessment.

Provide.

Further provide.

## CHAPTER XXX.

### EDUCATION AND SCHOOLS.

Board to consist of how many.

SEC. 3. The board of education of said district, after the first Monday in September in the year one thousand eight hundred and ninety-four, shall consist of five trustees, whose several terms of office shall be three years, and who shall be electors of said district, qualified to vote at the annual meeting therein. One of the said trustees shall be elected at the annual meeting in said district, which shall be held on the first Monday in September, A. D. eighteen hundred ninety-four, for a term of one year, and two trustees shall also be elected at

When elected.

the same time for a term of two years, and two for a term of three years, and annually a successor or successors to the trustee or trustees whose term of office shall expire. The election of trustees shall be by ballot, and the person or persons, who shall have received the greatest number of votes for such office of trustee and for the several terms designated on the ballot, shall be declared elected; and if two or more persons shall receive an equal number of votes, the presiding officers at said school meeting shall immediately choose one or more of such persons by lot as such trustee or trustees. Within ten days after the annual meeting in September, A. D. eighteen hundred ninety-four, and within ten days after the annual meetings thereafter, the several trustees shall meet and organize, and for that purpose shall elect from their own number a president and secretary, whose powers and duties shall be severally the same as aforesaid. When to meet and organize.

SEC. 15. The board of education shall have all the powers and perform all the duties of school inspectors of townships within and for said city. To have power of school inspectors.

This act is ordered to take immediate effect.

Approved May 13, 1895.

[ No. 408. ]

AN ACT to authorize the judge of probate of St. Clair county to appoint a register, and prescribing the duties and providing for the compensation of such probate register.

SECTION 1. *The People of the State of Michigan enact,* That the judge of probate of the county of St. Clair, State of Michigan, shall have power to appoint a probate register, who shall receive such annual salary as the board of supervisors of said county shall prescribe, payable monthly from the county treasury: *Provided,* That the amount of such annual salary shall not exceed eight hundred or be less than six hundred dollars per annum, and that the said probate register shall hold his office during such period as the said judge of probate shall direct, and not to exceed the term of office of the said judge of probate: *And further provided,* That the said judge of probate may declare a vacancy in said position of probate register at any time, in which event said probate register shall be paid a *pro rata* amount of his salary for the time actually employed as such probate register. Judge of probate to appoint a register.

SEC. 2. Such probate register shall have power to receive petitions, fix the time of hearings, certify copies of records, and do all other acts required of the judge of probate, except judicial acts. Provide as to salary.

Approved May 16, 1895.

[ No. 409. ]

AN ACT to amend section five and eight of chapter four; section three of chapter six; sections one, seven and thirteen of chapter seven; section twenty-four of chapter eight; sections eight and eighteen of chapter twelve, of an act entitled "An act to amend and revise the charter of the city of Marquette, Marquette county," approved March twenty-seventh, eighteen hundred and ninety-one, as amended by act number three hundred and twenty-three of the local acts of the legislature of the State of Michigan of the year eighteen hundred and ninety-three, and to add twenty-nine new sections thereto to stand as sections six to thirty-four, inclusive, of chapter ten, and section twenty-five of chapter fourteen of said act.

Sections  
amended and  
added.

SECTION 1. *The People of the State of Michigan enact,* That sections five and eight of chapter four; section three of chapter six; sections one, seven and thirteen of chapter seven; section twenty-four of chapter eight; and sections eight and eighteen of chapter twelve of an act entitled "An act to amend and revise the charter of the city of Marquette, Marquette county," approved March twenty-seventh, eighteen hundred and ninety-one, as amended by act number three hundred and twenty-three of the local acts of the legislature of the State of Michigan for the year eighteen hundred and ninety-three, be and the same are hereby amended, and that certain new sections be added thereto to stand as sections six to thirty-four, inclusive, of chapter ten, and section twenty-five of chapter fourteen of said act; said amended chapters and added sections to read as follows:

#### CHAPTER IV.

Terms of office

SEC. 5. The mayor, treasurer, recorder, supervisors and constables shall hold their offices for the term of one year from the first Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their offices. The controller, marshal, street commissioner, city attorney, health officer and harbor master shall hold their offices from the time when appointed until the fifteenth day of April of the next year thereafter, and until their successors are appointed and enter upon the duties of their offices.

Election of justices of the peace, term of office.

SEC. 8. At the annual election to be held in said city on the first Monday in April in the year one thousand eight hundred and ninety-six there shall be elected one justice of the peace for the term ending four years from and after the fourth day of July next thereafter, and one justice of the peace for the term ending three years from and after the fourth day of July next thereafter, and said last named justice shall be deemed to have been elected to fill a vacancy, and at each annual election thereafter there shall be elected such number of justices of the peace as shall be necessary to fill the vacancies

then existing or to arise within the ensuing year by the expiration of the term for which the incumbents were elected.

## CHAPTER VI.

SEC. 3. Whenever a vacancy occurs in the office of alderman, the common council of said city shall immediately appoint a special election to be held in the ward for which said officer was chosen, at some suitable place therein, not less than five days nor more than fifteen days from the time of such appointment, and for any such special election five days notice of the election and of the meeting of the board of registration shall be sufficient: *Provided*, That in case any such vacancy shall occur in said office of alderman within three months before the first Monday of April of any year, it shall be optional with the common council to order a special election or not, as they may deem expedient.

Vacancy in the office of alderman, how filled.

Proviso.

## CHAPTER VII.

SECTION 1. The mayor and aldermen, when assembled together and organized, shall constitute the common council of the city of Marquette, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and the common council may be summoned to hold their meetings at such time as the mayor or, in case of his absence or inability to act, the president may appoint, at such place as shall have been designated as the council room by the common council. The common council shall have power to impose, levy and collect such fines as they may deem proper, not exceeding five dollars, for the non-attendance at any meeting of any officer of the corporation who has been duly notified to attend the same. In case of the absence of the mayor and president at any such meeting, the members present may appoint some one of their members to preside. Each member of the common council shall be entitled to one vote, except the mayor, who shall only be entitled to vote when there is a tie vote in the common council, or when his vote would change the result. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, except as in this charter is otherwise provided, and may dispose of the same, and make such rules and by-laws relating to the same as they may deem proper and necessary: *Provided*, That all resolutions of the common council involving the expenditure of public moneys shall be approved by the mayor, or other person performing for the time being the duties of his office, but such resolutions shall stand as approved unless the mayor,

Power and duty of common council.

In absence of mayor, who may preside at meetings.

Council to have control of finances.

Proviso.

within five days from the passage of such resolutions, shall file with the city recorder a written statement expressing his disapproval of the resolution and giving his reasons therefor. After the filing of objections to such resolution by the mayor as aforesaid said resolution may only be passed and reenacted by a two-thirds vote of all the aldermen elect; they shall have power within said city to enact, continue, establish, enforce, annul, amend, and repeal such ordinances, by-laws, rules and regulations as they may deem desirable for the following purposes:

Vice and immorality.

*First,* To prevent vice and immorality, to preserve public peace and good order, to organize, maintain and regulate a police of the city when necessary, and to define the powers and duties of such police or any police officers; to prevent and quell riots, disturbances and disorderly assemblies;

Disorderly houses.

*Second,* To prevent and restrain disorderly and gaming houses, and houses of ill fame, to prevent the exhibition or use of any and all instruments and devices used in gaming, and to prohibit all gaming and fraudulent devices, and restrain and prohibit all billiard tables kept for gaming purposes;

Intoxicating liquors.

*Third,* To forbid and prevent the vending, giving away, or other disposition of liquors and intoxicating drinks to any drunkard, minor or other persons in the habit of getting intoxicated, to prohibit the opening of any drinking saloon, bar, or place where intoxicating drinks are or may be kept, billiard rooms, tenpin alleys, or place of public recreation or amusement on the first day of the week commonly called Sunday; and to prohibit, restrain and regulate the sale of all goods, wares and personal property at auction or public outcry, except in cases of sales authorized by law, and fix the fees to be paid by and to auctioneers;

Sports, exhibitions and shows.

*Fourth,* To prohibit, restrain, license and regulate all sports, exhibitions of natural or artificial curiosities, caravans or animals, theatrical exhibitions, circuses or other public performances or exhibitions for money;

Nuisances.

*Fifth,* To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog pen, sewers or other offensive or unwholesome place or house, to clean, purify, remove or abate the same from time to time, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of said city;

Slaughter houses.

*Sixth,* To direct or prohibit the location of all slaughter houses, markets and buildings for storing gunpowder or other combustible or explosive materials or substances within the limits of said city;

Dangerous or explosive materials.

*Seventh,* Concerning the buying, carrying, selling and using of gunpowder or other combustible or explosive materials, and the exhibition of fireworks, the use of lights in barns, stables and other buildings, and to regulate or prohibit the discharge of firearms within the limits of the city, or making of bonfires in the streets or yards;

*Eighth*, To prevent the encumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges, or other public places in any manner whatever; Encumbrances of streets or public places.

*Ninth*, To prevent and punish horse racing, and immoderate driving or riding in any street, alley or public park or ground, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street, alley or public park or ground in said city; Horse racing or immoderate driving.

*Tenth*, To determine and designate by name the streets upon which any street railways shall hereafter be laid in said city, before the same may be laid therein, and the routes and grades of any railroad to be laid in said city, before the same may be laid therein: *Provided*, That this subdivision of section one shall not affect or change charter or contract rights heretofore granted. And to restrain and regulate the use of locomotives, engines, motors and cars upon the railroads and street railways within the city, and to compel the use of such precautions against accidents on said street railways and at street crossings upon such railroads and street railways, as they may deem necessary; Routes of street railways.

*Eleventh*, To provide for and preserve the purity and salubrity of the waters of Marquette harbor, and the streams emptying therein; to prohibit and prevent the depositing therein of all filth and other matter tending to render said water impure, unwholesome or offensive; to preserve and regulate the navigation of said harbor; to prohibit and prevent the depositing or keeping therein any structure, earth or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring and mooring of vessels, and laying out of cargoes and ballast for the same. The harbor of the city of Marquette is hereby defined and declared to be embraced within the following limits, viz.: Commencing at a point on the shore of Lake Superior where the west boundary of said city strikes the shore; thence north one mile; thence east on a line to the point therein intersected by a line drawn north from the point where the south boundary of the city strikes the shore of Lake Superior; thence southerly on said line to said last mentioned point on said shore; thence northerly along the line of said shore, following the meanderings thereof to the place of beginning; and any offense committed against the laws and ordinances of the city of Marquette, within said limits, shall be deemed and considered as having been committed within the limits of the city of Marquette; Purity of water.

*Twelfth*, To restrain and punish drunkards, vagrants, street beggars, and all disorderly persons or keepers of gaming or disorderly houses, or other houses in which drunkards or boisterous persons are allowed to congregate and disturb the peace, or in which any crime or misdemeanor shall be committed by the knowledge or consent of the occupant of such house; To preserve navigation.

Harbor defined, boundaries of.

Vagrants and drunkards.

**Pounds.**

*Thirteenth,* To establish, maintain and regulate one or more pounds in said city, and to prohibit, restrain or regulate the running at large of horses, cattle, sheep, swine, or other animals, geese and poultry, and authorize the impounding and sale of the same for the penalty incurred and the cost of keeping, impounding and other expenses; to punish the breaking of any pound, or any unlawful interference therewith, and to make all such by-laws, ordinances, rules and regulations in relation to such pound or pounds, and the advertising and selling of the animals, geese or poultry therein impounded, as they may deem necessary, or as may be advisable for the purpose of perfecting the title of any property sold in conformity with any ordinance or by-law, and for preserving the evidence and declaring the legal effect of any and all evidence of any such sale or sales, and no court other than the circuit court for the county of Marquette, or the courts held in said city, shall have any jurisdiction of any action of replevin or any action against any poundmaster of said city, for, or on account of any animal, or animals, geese or poultry impounded, or for or on account of any act done by any such poundmaster in pursuance of any power or duty conferred by any by-law or ordinance passed by the common council of said city;

**Selling of animals impounded.****Dogs.**

*Fourteenth,* To prevent or regulate the running at large of dogs, to impose taxes on the owners of dogs, and to prevent dog fights in the streets;

**Dead carcasses.**

*Fifteenth,* To prohibit any person from bringing or depositing within the limits of said city, any dead carcass, or other unwholesome or offensive substances; to require the removal or destruction thereof; if any person shall have on his or her premises any such substance or any putrid meats, fish, hides, or any skins of any kind, and on his or her default, to authorize the removal or destruction thereof by some officer of the city, and to provide for ascertaining the expenses thereof, and collecting the same from the person in default;

**Unsound meats.****Sidewalks.**

*Sixteenth,* To compel all persons in such part or parts of the city as the common council may deem proper, to keep sidewalks in front of premises owned or occupied by them clear from snow, ice, dirt, wood or obstructions; but the city shall never be liable for any damage sustained by any person in consequence of the neglect of any person to keep any such sidewalk clear from snow, ice, dirt, wood or other obstructions;

**Ringling of bells and crying of goods.**

*Seventeenth,* To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

**Prescribe powers and duties of officers.**

*Eighteenth,* To prescribe the powers and duty of all the officers of said city, except as herein otherwise provided, and their compensation and the fines and penalties for their delinquencies;

**Cemetery.**

*Nineteenth,* To purchase suitable grounds for cemetery purposes, survey and divide the same, in such form and manner as they may deem proper; fix and determine price of burial lots, sell and convey the same, ornament, fence and improve such cemetery or any burial ground now in the city, and



enlarge the same; regulate the burial of the dead; preserve tombstones and monuments; and exercise a general control over all burial places in said city; and all burial grounds now belonging to the township of Marquette, and located within said city, shall vest in and belong to said city for burial purposes; to purchase and hold for the city suitable grounds for one or more public parks; improve and ornament the same, make suitable regulations for their use, and provide for the proper care of the same;

*Twentieth.* To provide for the protection and care of paupers, Paupers. and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon said city, and to punish therefor, and to return any such person so brought to the city to the place from whence he came or to which he properly belongs;

*Twenty-first.* To establish, order and regulate markets; to Markets. regulate the vending of wood, hay, meat, vegetables, fruits and provisions of all kinds and prescribe the time and place of selling the same, and the fees to be paid by butchers for license; to prohibit the sale of unwholesome meat, poultry, fish, vegetables or other articles of food or provisions, impure, spurious or adulterated wine, spirituous liquors or beer, or knowingly keeping or offering the same for sale: *Provided,* Provide. That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city;

*Twenty-second.* To regulate and establish the line upon To establish building lines. which buildings may be erected upon any street, land or alley in said city, and to compel such buildings to be erected upon such line, by a fine upon the owner thereof, not exceeding five hundred dollars for each offense;

*Twenty-third.* To establish fire districts, within which no Fire district. wooden building, except such as shall be authorized by the common council, shall be removed, built, repaired, enlarged, placed or allowed to stand or remain;

*Twenty-fourth.* To prescribe the duties of all officers Duty of appointive officers. appointed by the mayor, and their compensation, and the penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided by law;

*Twenty-fifth.* To license hawkers, peddlers and pawnbrokers, To license hawkers, peddlers and pawnbrokers. and hawking and peddling, and to regulate or license the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device in the streets, highways, or in or upon the wharves, docks, open places or spaces, public grounds or buildings in the city, or from boats in the harbor; all persons Who shall be deemed peddlers. selling goods within said city, by sample and by hawking and carrying such samples for exhibition from house to house and agreeing to deliver such goods at some future time to be paid for upon installments or otherwise, shall be deemed hawkers

and peddlers within the meaning of this chapter; to require a license fee not exceeding one hundred dollars to be paid by every person, firm or corporation engaging in the retailing and merchandising of any class or kind of goods, wares or merchandise in the said city;

Wharf boats.

*Twenty-sixth*, To license and regulate wharfs, boats, and to regulate the use of tugs, and other boats as used in and about the harbor and within the jurisdiction of the city;

To license saloons, taverns, restaurants, etc.

*Twenty-seventh*, To regulate and license all taverns and houses of public entertainment, all saloons, restaurants and eating houses; to designate, by ordinance, bounds, limits and districts in the said city, within which the business of vending, selling, or having for sale, spirituous, vinous, malt or brewed liquors, or any other intoxicating liquors or mixtures thereof, shall be conducted and carried on, and to prohibit the vending, selling and furnishing intoxicating liquors, or admixtures thereof, except within the districts and limits in said ordinance appointed and limited for the sale thereof, and may provide for punishment for any violation of such ordinance;

Inspectors of meats.

*Twenty-eighth*, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions;

Weights and measures.

*Twenty-ninth*, To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay, and other articles of merchandise, and to provide for the inspection and sealing of weights and measures, and to prescribe the penalty for using false weights and measures;

Inspectors of buildings.

*Thirtieth*, To provide for the inspection of buildings and the safety of their construction, condition and repair, and to license plumbers and regulate the plumbing of buildings;

To regulate the construction of drains.

*Thirty-first*, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies, and to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same or to cause the same to be done by some proper officer of the corporation, and to assess the expense thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon;

Vehicles.

*Thirty-second*, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire in the city, also all solicitors for passengers or for baggage for any hotel, tavern, public house, boat or railroad; and to prescribe and designate the stands of carriages of all kinds which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges;

Census.

*Thirty-third*, To provide for taking the census of the inhabitants of the city whenever the council shall see fit to direct and regulate the same;

Shade trees.

*Thirty-fourth*, To regulate and require the setting of shade trees in the streets of said city and provide for the preservation of the same: *Provided*, That until the common council or street commissioner shall determine the distance trees shall be

Plowies.

set from the margin of any street or highway, the same may be

set at not less than six nor more than ten feet from the margin thereof;

*Thirty-fifth,* The common council shall have authority to enact all ordinances and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation for any purpose whatever; nor shall any rights, privileges or franchises be granted to any person, firm or corporation, without the concurrence of two-thirds of all the members elect of the common council voting by yeas and nays, nor until the same has been so passed at two meetings of the common council at least two weeks intervening between the same, one of which said meetings shall be a regular stated meeting; and any such rights, privileges or franchises may be rescinded at the pleasure of the common council;

To enact ordinances for the good government of the city.

Franchisees, two-thirds vote required.

*Thirty-sixth,* For the purpose of carrying into effect the powers conferred by this act, the common council shall have power to prescribe in [any] and by-law or ordinance made by them that the persons offending against the same shall forfeit and pay such fine as they deem proper, not exceeding one hundred dollars, or by imprisonment in the county jail or in the city jail for a term not exceeding three months, except as herein otherwise expressly provided, or both such fine and imprisonment in the discretion of the court who shall try the offender.

Fines and penalties for violating ordinances.

SEC. 7. The common council shall have power to assess, levy and collect taxes for the purposes of the corporation upon all property made taxable by law for State purposes, which taxes shall be liens upon the property taxed until paid; to appropriate money, provide for the payment of the debt and expenses of the city and make regulations concerning the same; to employ all persons confined for the non-payment of any fine, penalty, forfeiture or costs, or for any offense under this act or any ordinance of the common council, in any jail, workhouse or prison, at work or labor either within or without the same, or upon any street or public work under the control of the common council; to allow any person thus confined for the non-payment of any fine, penalty, forfeiture or costs to pay and discharge the same by such work and labor, and to fix the value and price of such work and labor. The common council shall have power to make all such other by-laws, ordinances and regulations as they may deem necessary for the good government of said city. The common council shall have power to direct and compel the treasurer of the city of Marquette to deposit all moneys, bonds, papers and evidences of value in any bank or banks that may be named by the common council; and to contract with any such bank or banks for the safe keeping of all public moneys and for the receipt of interest at a rate not exceeding eight per cent per annum, upon such moneys of the corporation deposited with such bank or banks, and to be drawn on account current from

Power of council to assess, levy and collect taxes.

To appropriate money.

Power to make other by-laws.

Treasurer to deposit in bank all money, bonds, and valuable papers.

Proviso.

such bank or banks by the corporation or proper officer thereof, and such interest shall belong and be credited to the general fund: *Provided*, That when the common council has directed the treasurer to deposit said money with any bank or banks, such bank or banks shall give a bond to the city, with sureties in number and in amount to be approved by the common council, sufficient to protect the city from loss.

Mayor and recorder to sign and file the statement.

SEC. 13. The said statement shall be signed by the mayor and recorder and filed with the papers of the city.

## CHAPTER VIII.

Expense of proceedings to be assessed.

SEC. 24. The expenses of the proceedings, for the taking of private property for any improvement, including the compensation paid the jury and the costs of advertising shall be embraced in and computed as part of the costs and expenses of any improvement in respect to which they were incurred, and shall be paid, apportioned and assessed therewith as are other items of said costs and expenses and as a part thereof, and the proper proportion of the total cost and expense of any such improvement, when determined, shall be by the controller levied and spread on said rolls upon the property in the said assessment district, in proportion as near as may be, to the benefits received, according to the verdict of the jury; and the controller shall annex his warrant thereto, with the same effect as other assessment rolls of said city. Upon the completion of said assessment rolls and annexation of the warrant of the controller, the same shall be conclusively presumed by all courts and tribunals to be valid, and shall be *prima facie* evidence of the validity of the tax or assessment therein named against the person and the property therein named.

Controller to annex his warrant.

## CHAPTER X.

### OF LIGHT AND POWER.

City authorized to purchase and operate light and power plant.

SEC. 6. The city of Marquette shall be and is hereby authorized and empowered to purchase, hold and improve lands, water powers, engines, machinery, apparatus and other property and operate and use the same for the purpose of generating, making and furnishing electricity, gas, power, steam, light and heat, or other form of energy for the lighting of the public streets, avenues, buildings and grounds of the city, or for private lighting in said city, and for the purpose of furnishing electric, gas or steam power, heat or other form of energy for elevators, machinery or buildings owned by the city or other public corporation; and for the purpose of selling such electric or gas light, power heat or other form of energy to any person, firm or corporation in said city; and said city is hereby empowered to levy and collect assessments and taxes, and to appropriate and borrow money and issue bonds for the purpose of paying for property so purchased, and for such

improvements and the operation thereof, and to pay bonds of the city issued for such purposes.

SEC. 7. The mayor shall, as soon as practicable after this act shall go into effect, appoint, by and with the consent of the common council, a light and power commission to consist of our electors of said city, who shall be appointed to serve from the date of their appointment for the following terms from and after the fifteenth day of April in the year when appointed, and until their successors are appointed and enter upon the discharge of the duties of their office, viz.: One for one year, one for two years, one for three years and one for four years. Upon the expiration of the term of office of any member of said commission his successor shall be appointed in like manner for the term of four years from and after the fifteenth day of April in the year when appointed and until his successor is appointed and enters upon the duties of his office. The mayor shall be *ex officio* a member of said commission. Vacancies in said commission caused by the death, resignation, removal from the city or removal from office of any member hereof shall be filled by appointment of the mayor of another elector of said city for the unexpired term.

Mayor to appoint light and power commission.

Term of.

Vacancies.

SEC. 8. The said commissioners, when appointed and organized, shall constitute and be a board of light and power commissioners of the city of Marquette, which shall be known by the name and style of "The light and power commission of the city of Marquette." They shall choose one of their number as president, who shall hold his office until the fifteenth day of April next ensuing the date of his election and until his successor is chosen. They shall also appoint a secretary who shall hold his office during the pleasure of the board. Before entering upon the duties of their office said commissioners shall take and file with the recorder an oath or affirmation as in case of other officers of said city. Said commissioners may prescribe the rules governing their proceedings and shall cause full minutes of their proceedings and doings to be kept in a book for that purpose, which shall be deemed to be a public record, which shall be at all times open to the inspection and examination of every citizen or taxpayer of the city. Said proceedings shall be published in a newspaper of the city at least quarter yearly.

To constitute a board.

To choose a president.

To appoint a secretary.

Oath.

Proceedings to be published.

SEC. 9. Said commissioners shall have power to appoint and employ during their pleasure, superintendents, clerks, assessors, collectors, electricians, engineers, surveyors and such other officers and employes as they may deem necessary to enable them to perform their duties under this act, and to prescribe their duties and compensation: *Provided*, That in no case shall said commissioners receive, directly or indirectly, any compensation for their services.

Commissioners to appoint and employ all officers and employes.

proviso.

SEC. 10. Subject to the exceptions, reservations and limitations in this chapter contained, said commissioners are hereby empowered to purchase for said city, and to improve such lands, water powers, engines, machinery, apparatus and other

Commissioners empowered to purchase all machinery, apparatus and other property.

To have exclusive control.	<p>property as they shall determine to be necessary or expedient for the purpose of generating or manufacturing electricity or gas, or both, for the lighting of the public streets, avenues, buildings and grounds of the city, or for private lighting in said city; and for the purpose of generating and furnishing electric, gas or steam power, and heat for any elevators or machinery or buildings owned by the city or other public corporation; or for the purpose of selling electric or gas light, power and heat to any person or corporation in said city, and shall have the exclusive government, control, direction and management of all the lands, machinery, structures, appliances and property, claims and causes of action and evidences thereof, which at the time of the organization of said commission are possessed by the city and are under the control of the common council of the city for electric lighting and water power purposes, including the lands acquired by the city therefor; and shall succeed to the rights, liabilities and duties of the common council in relation thereto; and may, with the concurrence of the common council, sell and dispose of any personal property or building that may come into their possession or under their control, when no longer needed by them, and with like concurrence, may lease or sell any real estate of the city under their control, which they shall deem to be not necessary or not needed in future for the purposes for which said property was acquired, or for the purposes for which said commission is created; or they may in like manner donate any such lands for a site, or for the use and benefit, or in aid of any State educational, reformatory or benevolent institution to be located in said city or in the township of Marquette in the county of Marquette: <i>Provided</i>, That said commissioners shall not lease or sell any water power or water power site, or any lands which may by the erection of dams, flumes or other structures, be utilized therefor, or lease any lands for a longer period than four years.</p>
May sell or dispose of property when no longer needed.	<p>SEC. 11. Said commissioners, subject to the limitations in this chapter contained, shall have power, and it is hereby made their duty, to construct such dams, flumes, reservoirs and buildings, and to purchase and erect such engines, machinery, apparatus, towers, poles, wires, pipes and structures as shall be deemed necessary by them to enable them to carry out the purposes named in section nine of this chapter, and for said purposes shall have power to erect poles, towers, structures, wires and appliances and to lay and construct conduits, pipes and manholes in the streets, alleys and public grounds of the city and in the highways and public ways in the township of Marquette, Marquette county, for the purposes of its business; but they shall so place and construct the same as to least interfere with the usual and ordinary use of said streets, avenues and public grounds and highways and the free ingress to and egress from properties adjacent thereto and shall properly warn and protect the public from accident at excavations and structures erected by their direction and shall replace in good order all pavement, macadam and turf or other</p>
May sell or lease real estate.	
Provide.	
Power and duty to construct dams, flumes and reservoirs.	
To erect engines, machinery, towers, poles and structures.	

improvements disturbed or injured by them in the prosecution of their work.

SEC. 12. It is hereby made the duty of said commissioners to utilize, so far as practicable, the property under their control for the purpose of which said board is established, and mentioned in section ten of this chapter, and to light the streets, avenues, parks and public grounds of the city as they may deem proper, with electricity, gas or other substance and, as may be required by the common council, to furnish free of charge such light, heat and power for the public buildings as they are able to furnish with the property and equipments under their control and to furnish and sell, under such regulations as they may prescribe, to persons and corporations in said city who desire to purchase the same, any such electric, gas or other light, heat or power, which they are able and equipped to supply, and which is not needed for public use.

To utilize the property under their control.

To light the streets avenues, parks and public places.

To furnish and sell light, heat and power.

SEC. 13. Said board shall fix the rates and charges to be paid for the various kinds of service furnished, or to be furnished by them, by persons and corporations receiving the same, which rates and charges shall be reasonable and uniform; and said commissioners shall have power to make and enforce all necessary rules and regulations in the collection of said rates and charges, with penalties to be prescribed by them for delinquencies in the payment thereof, together with interest thereon at the rate of eight per cent per annum from the time when the same became payable, and the expense of collection thereof, either by the appointment of collectors to demand the same, requiring payment thereof at the office of said board of commissioners, or of the treasurer; shutting off the supply of such light, heat or power, and removal of apparatus; or by suit at law in the name of the city before any court of competent jurisdiction, or otherwise as they may determine. Said commissioners may also make and enforce such rules and regulations as they deem necessary to carry into effect the object and intent of this act, not inconsistent with the ordinances of the city, and shall cause all their rules and regulations to be entered in a book to be kept for that purpose, and signed by the president and secretary.

Board to fix price of service.

Rates shall be uniform.

Rules and regulations.

SEC. 14. Upon application of said commissioners to the common council therefor, private property may be taken by the city for the use of said commission the same as for other public use; and the same proceedings had for the condemnation thereof and payment therefor.

When private property may be taken by the city.

SEC. 15. Upon application of said commissioners to the common council therefor, the common council shall have power in their discretion to appropriate or raise money for the use of said commission and to borrow money from time to time for the use of said commission upon the best terms they can make for such time as they shall deem expedient, and at a rate of interest not exceeding seven per cent per annum, upon the credit of said city of Marquette; and shall have authority to issue bonds therefor pledging the faith and credit of said city for the payment of the principal and interest of said bonds;

Power of common council to raise money.

Shall have authority to issue bonds.

To be authorized by majority vote.

which bonds shall issue and shall be signed, countersigned and registered as other bonds of said city: *Provided*, That no such bonds shall be issued until the amount proposed to be raised shall have been submitted to the electors of said city, and be authorized by a majority vote therefor by ballot of all the electors of said city voting at an annual or special election therein to be ordered, noticed, conducted, held and canvassed as elsewhere provided in this charter for the purpose of authorizing the issuing of bonds of the city.

Shall purchase no property or enter into any contract exceeding five hundred dollars without consent of the council.

SEC. 16. The said commission shall make no purchase of real or personal property or enter into any contract or upon any work or improvement requiring the expenditure therefor of an amount in excess of five hundred dollars without the consent of the common council previously obtained; nor shall such commission incur any indebtedness beyond the sum of six thousand dollars, which they may do in anticipation of the collection of taxes levied or of the receipt of money appropriated or authorized to be raised or borrowed for their use.

To make a written report, what to embrace.

SEC. 17. Said commissioners shall make a written report to the common council on or before the second Tuesday in March in each year, which shall embrace a statement of the condition and operation of the property and works under their control, and the doings of said commission in relation thereto for the preceding year, and of the receipts of said commission from all sources, and the amounts thereof; together with an itemized account of their disbursements for the preceding year, which statement shall be certified by said commissioners, and shall be filed with the recorder of said city, and published with the controller's annual statement. They shall also make report in writing to the common council of their doing from time to time as the common council shall require.

Shall make an estimate of anticipated revenue.

SEC. 18. It shall be the duty of said commissioners prior to the second Monday in June of each year to submit to the common council of said city an estimate of the anticipated revenue from the property under their control of the amount of money which will be needed by them for improvements, current expenses and other necessary disbursements for the ensuing year specifying, as near as practicable, the items and amounts thereof, and the common council is hereby authorized and empowered to appropriate the same, or such portion thereof as they shall determine for such purposes, and to levy and collect special taxes therefor, or embrace the same in the next general tax levy for city purposes, as in other cases, and in the same manner, and with like effect as other city taxes. Said report shall also embrace a statement of the amount of bonds of the city issued for light and power purposes, and interest thereon, which will become due and payable during the ensuing year, and it shall be the duty of the common council to make provision for and pay or renew the same.

Council authorized to appropriate.

Report to embrace amount of bonds issued for light and power purposes.

All moneys to be paid into the treasury.

SEC. 19. All moneys raised and appropriated for light and power purposes in said city, and all moneys obtained in any manner by the said commission, or to which they, or the city, shall be entitled on account of the operation of the light and



power plant and property of said city, shall be forthwith paid into the treasury of the city; and all accounts and bills payable for current expenses and other expenditures of said commission shall be allowed and certified by said commission, when verified by the claimants as other claims against the city, and shall be audited by the controller; and, when so audited, shall be paid by the city treasurer, upon orders drawn and signed by the president and secretary of said commission, and countersigned by the controller, out of any funds in his hands appropriated or applicable for said purposes.

SEC. 20. No member of said commission shall be interested, either directly or indirectly, in any contract with said commission, or in the sale of any material, or the furnishing of any labor or service to said commission; nor shall commission grant any rights, privileges or franchises without the concurrence of the common council; nor any exclusive rights, privileges or franchises whatever.

Members of commission not to be interested in any contract.

SEC. 21. All the property, real, personal and mixed, and rights of property in law and equity, and all debts and causes of action arising out of or appertaining to the same, and out of or pertaining to the electric light and water power plant and business heretofore maintained and operated by the city of Marquette; and all property which shall hereafter be acquired therefor shall be and remain vested in the city of Marquette, but shall be under the control and management of said commissioners, as herein provided.

All property pertaining to electric light and power plant to be vested in the city of Marquette.

Shall be under the control of the commission.

#### OF PARKS AND CEMETERIES.

SEC. 22. The mayor shall, as soon as practicable after this act shall go into effect, appoint, by and with the consent of the common council, a park and cemetery commission to consist of three electors of the city, who shall be appointed to serve from the date of their appointment for the following terms thereafter and until their successors are appointed and enter upon the discharge of the duties of their offices, viz.: one for one year, one for two years, and one for three years from and after the fifteenth day of April in the year when appointed. Upon the expiration of the term of office of any member of said commission his successor shall be appointed in like manner for the term of three years from and after the fifteenth day of April in the year when appointed and until his successor is appointed and enters upon the duties of his office. Upon the death, removal or resignation of any member of said commission, the mayor shall, as soon thereafter as practicable, appoint another elector of said city as a member of said commission for the unexpired term. The mayor shall be *ex officio* a member of the said commission.

Mayor to appoint a park and cemetery commission.

Term of.

Vacancies.

SEC. 23. The said commissioners, when appointed and organized, shall constitute a park and cemetery commission of the city of Marquette, which shall be known by the name and style of "The park and cemetery commission of the city of Marquette." They shall choose one of their number as presi-

How known.

To choose a president.

To appoint a secretary.

Oath.

May prescribe rules governing proceedings.

Proceedings shall be published.

Shall have power to employ all necessary assistants.

Proviso.

Subject to certain exceptions, commission to have full control of all parks and cemeteries.

To make detailed plans for improvements.

Expenditures and improvements to be under the direction of the commissioners.

May appoint and employ park police.

Plats of city cemeteries and subdivisions to be made and recorded.

dent, who shall hold his office until the fifteenth day of April next ensuing the date of his election, and until his successor is chosen. They shall also appoint a secretary who shall hold his office during the pleasure of the board. Before entering on the duties of their office said commissioners shall take and file with the recorder an oath or affirmation as in the case of other officers of said city. Said commissioners may prescribe the rules governing their proceedings and shall cause full minutes of their proceedings and doings to be kept in a book for that purpose, which shall be deemed to be a public record, which shall be at all times open to the inspection and examination of every citizen or taxpayer of the city of Marquette; which proceedings shall be published in a newspaper of the city at least quarter yearly.

SEC. 24. The said commission shall have power to employ superintendents, clerks, collectors, engineers, surveyors and such other employes as it may deem necessary to enable it to perform its duties under this act, and to prescribe their duties and compensation: *Provided*, That in no case shall said commissioners receive, directly or indirectly, any compensation for their services.

SEC. 25. Subject to the exceptions, reservations and limitations in this chapter contained, said commission shall have the exclusive government, control, direction and management of the public parks and cemeteries of the city of Marquette, and all personal and real property belonging thereto, and shall have and exercise all the powers and duties of the city, of the common council and of the park and cemetery commissioners, whose functions and duties they shall have, exercise and perform in and about the custody, supervision, management and control of all the public parks and cemeteries of the city; and shall make or cause to be made, general and detail plans for the improvement of the same; and shall carry out said plans as the common council shall from time to time raise or appropriate money therefor, or as they shall have funds at their disposal for such purpose. All expenditures of public funds and all public or private structures, works or improvements in and about the public parks and cemeteries shall be under the direction of said commissioners, who may make and enforce rules and regulations for the government and control, and the preservation of the parks and cemeteries, not in conflict with the ordinances now in force, or which may be hereafter adopted by the common council, and shall cause all their rules and regulations to be entered in a book to be kept for that purpose, and signed by the president and secretary. They may appoint and employ such number of park police as the common council shall authorize, who shall have the powers of other police officers of said city, and perform such other duties as said commission shall require.

SEC. 26. Said commissioners shall cause to be made and filed in the office of the recorder, plats of all public cemeteries of the city and subdivisions thereof, showing number, name and location of all lots, blocks, parcels, walks, drives and other

improvements and features, together with an abstract of all certificates, conveyances or deeds of lots or parcels thereof, showing to whom granted, date of conveyance, description and price of lot or parcel and all interments made and monuments erected herein, and such other particulars as they shall deem proper to be recorded; and it shall be the duty of the recorder to preserve said plats and abstracts, and also to keep in his office a book to be known as "The cemetery record," in which he shall record said abstracts or the items thereof, and such other particulars and information as said commissioners may require; which plats, abstracts and record shall be public records.

Recorder to keep a cemetery record.

SEC. 27. The offices of park commissioner and cemetery commissioner, as heretofore existing, are hereby abolished, but all ordinances of the common council, and parts thereof, now in force relating to the parks and cemeteries of the city, and the duties of the park and cemetery commissioners, not inconsistent with this chapter shall be and remain in force until amended or repealed; and the duties of the park commissioner, cemetery commissioner and other officers thereunder shall devolve upon, and be performed by said commission.

Offices heretofore existing are abolished. Previous ordinances not conflicting to remain in force.

SEC. 28. Upon application of said commissioners to the common council therefor, private property may be taken by the city for the use of said commission the same as for other public use; and the same proceedings had for the condemnation thereof and payment therefor.

Private property, how taken.

SEC. 29. Upon application of said commissioners to the common council therefor, the common council shall have power in their discretion to appropriate or raise money for the use of said commission and to borrow money from time to time for the use of said commission upon the best terms they can make for such time as they shall deem expedient, and at a rate of interest not exceeding seven per cent per annum, upon the credit of said city of Marquette; and shall have authority to issue bonds therefor, pledging the faith and credit of said city for the payment of the principal and interest of said bonds; which bonds shall issue and shall be signed, countersigned and registered as other bonds of said city: *Provided*, That no such bonds shall be issued until the amount proposed to be raised shall have been submitted to the electors of said city, and be authorized by a majority vote therefor by ballot of all the electors of said city voting at an annual or special election therein to be ordered, noticed, conducted, held and canvassed as elsewhere provided in this charter for the purpose of authorizing the issuing of bonds of said city.

Common council shall have power to raise or appropriate money for use of the commission.

Shall have authority to issue bonds.

Provided.

SEC. 30. The said commission shall make no purchase of real or personal property or enter into any contract or upon any work or improvement requiring the expenditure therefor of an amount in excess of five hundred dollars without the consent of the common council previously obtained; nor shall such commission incur any indebtedness beyond the sum of six thousand dollars, which they may do in anticipation of the collection of taxes levied or of the receipt of money appropriated or authorized to be raised or borrowed for their use.

No purchase shall be made or contract entered into exceeding \$500, without consent of the council.

Not to incur indebtedness beyond \$6,000.

To make written report to common council, what to embrace.

Statement to be certified by commissioners and filed with recorder.

Commissioners to estimate anticipated revenues, amount which will be needed, items, etc.

Common council to appropriate; to levy tax for.

Report to embrace statement of bonds issued.

All moneys raised and appropriated to be paid into the city treasury.

Cemetery fund.

Members of commission not to be interested in contract or sale of materials.

SEC. 31. Said commissioners shall make a written report to the common council on or before the second Tuesday in March in each year, which shall embrace a statement of the condition of the property and improvements under their control, and the doings of said commission in relation thereto for the preceding year, and of the receipts of said commission from all sources, and the amounts thereof, together with an itemized account of their disbursements for the preceding year, which statement shall be certified by said commissioners, and shall be filed with the recorder of said city, and published with the controller's annual statement. They shall also make report in writing to the common council of their doings from time to time as the common council shall require.

SEC. 32. It shall be the duty of said commissioners, prior to the second Monday in June of each year to submit to the common council of said city an estimate of the anticipated revenue from the property under their control, and of the amount of money which will be needed by them for improvements, current expenses and other necessary disbursements for the ensuing year, specifying, as near as practicable, the items and amounts thereof; and the common council is hereby authorized and empowered to appropriate the same, or such portion thereof as they shall determine, for such purposes, and to levy and collect special taxes therefor, or embrace the same in the next general tax levy for city purposes, as in other cases, and in the same manner, and with like effect as other city taxes. Said report shall also embrace a statement of the amount of bonds of the city issued for park and cemetery purposes, and interest thereon, which will become due and payable during the ensuing year, and it shall be the duty of the common council to make provision for and pay or renew the same.

SEC. 33. All moneys raised and appropriated for park and cemetery purposes in said city, and all moneys received from the sale of burial lots, or otherwise, shall be forthwith paid into the treasury of the city, and so much thereof as is received from the sale of burial lots shall be paid into a fund to be called the cemetery fund, which shall be disbursed exclusively for the care, preservation and ornamentation of the cemetery in which said burial lots are located; and all accounts and bills payable for current expenses and other expenditures of said commission shall be allowed and certified by said commission, and, when verified by the claimant as other claims against the city, shall be by the controller audited, and when so audited shall be paid by the city treasurer out of any funds in his hands appropriated or applicable thereto, upon an order drawn and signed by the president and secretary of said commission and countersigned by the controller.

SEC. 34. No member of said commission shall be interested, either directly or indirectly, in any contract with said commission or in the sale of any material or the furnishing of any labor or services to said commission; nor shall said commission grant any special rights, privileges or franchises with-

the concurrence of the common council; nor any exclusive rights, privileges or franchises whatever.

## CHAPTER XII.

SEC. 8. The common council shall have authority to assess, and collect taxes on all the real and personal estate taxable in said city, which taxes shall be and remain a lien on the property so assessed until the same shall be paid: *Provided*, that they shall not raise by general tax more than one per cent on the valuation thereof for city purposes, exclusive of the county, school, water, light and power, library and taxes payable bonded indebtedness and interest thereon, and highway taxes. They may levy a highway tax not exceeding one half per cent on the valuation of taxable property in said city, to be assessed and collected in money as other city taxes are placed upon the assessment roll in the column of highway taxes. In addition to all other taxes herein provided for, the council may also raise such further sums annually, not exceeding one-half of one per cent of the assessed valuation of the property of the city, as may be necessary to provide an interest sinking fund to pay the funded debts of the city and the interest thereon. They may also levy and raise by tax, in addition to all taxes hereinbefore provided for, such sum as may be required to pay any indebtedness of the city maturing or falling due within the year arising from loans previously made by the city or interest thereon.

Council to have authority to levy and collect taxes.

Provido.

Interest and sinking fund, how provided.

SEC. 18. When all needful revision and correction of such assessment roll has been made to the satisfaction of the common council it shall by resolution confirm the same. After such confirmation such assessment shall constitute a lien until paid upon said lots or parcels of real estate and shall be collected in such manner as may be authorized by the general finances of said city. Upon the completion of said assessment roll and its confirmation by the common council the same shall be conclusively presumed by all courts and tribunals to be valid and shall be *prima facie* evidence of the validity of tax or assessment therein named against the person and property therein named. If any parcel of land cannot be sold for any special assessment, interest and charges for lack of bidders the city of Marquette is authorized to become the purchaser of said property and the controller of the city of Marquette is authorized and empowered to bid off the said property for and in the name of the city of Marquette for the amount of such assessment, interest and charges.

Council to confirm the assessment roll.

When courts shall presume tax assessment to be valid.

If not sold for lack of bidders, city to purchase.

## CHAPTER XIV.

SEC. 25. The limits of school district number one of the city of Marquette shall be coextensive with the boundaries of the city. There shall be held a regular annual election of

Limits of school district number one.

Annual election of school trustees, when held.	school trustees in said district on the first Monday of September of each year. Such annual election of school trustees, as above provided, shall be held at such place in said city as the board of school trustees shall designate. The polls shall be open at nine o'clock in the forenoon and shall continue open without intermission or adjournment until the hour of eight o'clock in the afternoon, at which time they shall be finally closed. Said election shall be by ballot, and shall, except as herein otherwise directed, be conducted in all respects in the manner provided by law for conducting the election of officers in graded school districts. Notices of the time and place of holding such election shall be given by the secretary of the board, at least ten days before said election, by posting such notices in three of the most public places in each ward of the city, and by publishing a copy thereof in one or more newspapers published in the city, the same length of time before the election.
Polls.	
Notice.	
Board of inspectors.	(a) The president and secretary of the board of school trustees, and one other trustee, to be designated by the board, shall constitute a board of inspectors of such election, and if any of said three trustees shall not be present at the time of the opening of the polls or remain in attendance, the electors present may choose <i>viva voce</i> such number of such electors as with the trustee or trustees present shall constitute a board of three inspectors of such election. Each of said inspectors shall take the required oath to faithfully perform the duties of inspector of such election. The president of the board shall be chairman of the board of inspectors. In his absence the inspectors shall elect one of their number as such chairman.
Oath.	Every person shall be entitled to vote at such election who is a qualified voter of the city or qualified by the laws of the State to vote at any election for school officers. The board of inspectors shall have the same authority and powers in maintaining and enforcing order and obedience to their lawful commands at such elections and during the canvass of the votes as are conferred by the general laws of the State upon school officers in similar cases.
Who shall be entitled to vote.	(b) The board of inspectors shall make a poll list of the names of persons voting at such election. They shall also have the right of access to the registration books of the several wards of the city, if they deem it necessary, and for that purpose they may require the city clerk to attend said election with such registers.
Board to make poll list.	(c) When said polls shall be finally closed, the board of inspectors shall immediately proceed publicly to count, determine and declare the number of votes cast and for whom, and shall, on the same or on the next succeeding day, make up and sign a statement in writing, showing the whole number of votes cast, and the number of votes cast for each person for whom votes were cast, which statement shall be signed by the inspectors, and together with the minutes and other papers of the election, shall be filed with the secretary of the board of school trustees. The person or persons who shall have
Board to publicly count and declare number votes cast and for whom. To make and sign statements.	

received the highest number of votes for such office of trustee for the several terms designated upon the ballot shall be declared elected, and if two or more persons shall have received an equal number of votes where only one trustee is to be elected, said inspectors shall choose one of such persons by lot, as such trustee. The ballots shall, when the vote shall have been declared, be returned to the box, and the box be locked and sealed and deposited with the secretary at the time of the filing of said statement. Every person so declared elected to the office of school trustee, under the provisions of this act shall, within ten days after such election, qualify by taking and subscribing the required oath of office and filing the same with the secretary of the board of school trustees.

The person receiving highest number of votes cast to be declared elected.

Ballots to be returned to box, locked, sealed, and deposited with secretary. Oath.

(d) The board of school trustees shall pay all the expenses of such election from the contingent fund of the district, and shall allow each inspector of election the same compensation as is allowed to inspectors at city elections.

Compensation and expenses to be paid from contingent fund.

(e) When not otherwise provided in this act the general school law of the State shall govern in regard to all matters pertaining to said school district.

General school law to govern when not otherwise provided for.

This act is ordered to take immediate effect.

Approved May 16, 1895.

[ No. 410. ]

AN ACT to amend section twenty-two of chapter twenty-three of act five hundred thirty-three of the local acts of eighteen hundred eighty-seven, entitled "An act to incorporate the city of Sault Ste. Marie and to repeal an act entitled 'An act to [reincorporate] incorporate the village of Sault Ste. Marie,' approved May twenty-ninth, eighteen hundred seventy-nine, as amended."

SECTION 1. *The People of the State of Michigan enact,* That section twenty-two of chapter twenty-three of act five hundred thirty-three of the local acts of eighteen hundred eighty-seven, entitled "An act to incorporate the city of Sault Ste. Marie, and to repeal an act entitled 'An act to reincorporate the village of Sault Ste. Marie,' approved May twenty-ninth, eighteen hundred seventy-nine, as amended," be and the same is hereby amended so as to read as follows:]

Section amended.

CHAPTER XXIII.

SEC. 22. The council shall have the authority to contract with the St. Mary's Falls Water Power Company, of Sault Ste. Marie, or with its successors, assigns or legal representatives, or with any person or persons, corporation or corporations, owning the right of way and franchises formerly owned by said

Council may contract for water power.

water power company, for not exceeding six thousand dollars worth of water power per annum, for a period not exceeding twenty years, and shall each year include in the annual appropriation bill a sufficient sum to meet the payments for said power as they fall due upon such contract when made. The council is also authorized to sublet, or otherwise dispose of any of the water power so contracted for, upon such terms as they may deem advisable.

This act is ordered to take immediate effect.

Approved May 16, 1895.

[ No. 411. ]

AN ACT to provide for, regulate and protect primaries, primary elections and conventions of political parties in the county of Wayne, and to punish offenses committed thereat.

Meaning of the word primary as set forth in this act.

What candidates' names to be printed on ballots.

Primaries to be held by the voting precincts only.

Precincts failing to hold its party primary at the time designated.

Primaries, time of holding.

Provided.

SECTION 1. *The People of the State of Michigan enact,* That the word "primary" in this act shall be construed to mean any assemblage of voters of any political party duly convened for any of the purposes set forth in this act. The city and county election commissioners shall cause to be printed on the ballot at any election only the names of such candidates for office as shall be certified to them to have been placed in nomination at primaries and conventions held as herein provided.

SEC. 2. The primaries of any political party in the city of Detroit for the purpose of choosing candidates for ward or precinct officers or for choosing delegates for any convention to be held by the party holding such primary, or for the purpose of electing officers of any political organization, convention or association, shall be held by the voting precincts of said city only, and all the precincts shall hold their primaries at the same time. Any precinct failing to hold its party primary at the time designated therefor, as provided in section three of this act, shall not be represented at the election or convention of its party, so far as relates to the special purpose for which such primary was called.

SEC. 3. The time for holding the primaries in said city shall be after the last session of the board of registration for the ensuing election, which is held twenty days before such election, and all the primaries of any political party shall be held at the same time in the several precincts: *Provided, however,* That when a State convention shall be called or a district congressional convention for a district not wholly situated in the county of Wayne, for a time prior to the Thursday next after the last session of said board of registration, then such primaries may be held at such time before said sessions as may be determined by the principal party committee having in charge the particular matters for which the primary is called. Notices of the time and places for holding all primaries shall



ven by publishing the same once each day for at least five before the time of holding the same, in one or more daily papers printed in the English language in the said city. Two political parties or organizations shall hold their primaries on the same day. The party whose candidate for mayor, at the last preceding election for Governor, received in the city of Detroit the greatest number of votes, shall hold its October primaries on Thursday of the third week before the next ensuing election, and shall hold its March primaries on Wednesday of the third week before the next ensuing election; the party whose candidate for Governor so received the next to the greatest number of votes in the city of Detroit shall hold its October primaries on Friday of the third week before the next ensuing election, and shall hold its March primaries on Thursday of the third week before the next ensuing election, and other parties in like order on the secular days following those last above specified respectively. Any party or organization who may desire to put a ticket in the field, shall have a day assigned for that purpose by the clerk on application to him.

Notice of time and place to be published.

No two parties to hold primaries on the same day.

When primaries shall be held.

1. 4. The common council of said city of Detroit shall cause the election houses and booths of said city to be erected at the same shall be ready for use whenever the boards of election of said city are by law required to be in session, when so erected the same shall remain standing until after the next ensuing election, and the same shall be used for all primaries in the respective precincts, and no primary shall be held in any other place, while said election houses and booths are standing.

Council to cause the election houses and booths to be erected.

1. 5. The primaries in said city shall be held between the hours of three thirty and seven thirty o'clock p. m., standard time. The manner of voting at primaries shall be by ballot. All ballots used at such primaries shall be of the uniform width of four inches, with edges plain and in no manner serrated, and shall be of white paper and sufficiently thick so that the printing cannot be distinguished from the back. All ballots shall have no distinguishing marks, and no ballots which do not conform to the provisions of this act shall be received or counted at such primary.

Hours for holding primaries.

Manner of voting. Ballots.

1. 6. Each primary in said city shall be presided over by a board of inspectors, which shall be composed of a chairman and who shall be a member of the ward committee of the precinct holding said primary, and who resides in the precinct in which the primary is held, and of three qualified voters chosen by the resident electors of the said precinct as hereinafter provided, and who shall belong to the party holding such primary. At the first primary held by each political party after this act takes effect, such political party shall elect by ballot a member of the ward committee, three inspectors of primaries and three alternate inspectors of primaries for each voting precinct. The term of office shall be one year from and after their election, and until their successors are elected in like manner. The said member of the ward committee and said three

Board of inspectors.

To elect a member of the ward committee and three inspectors of primaries for each precinct.

Alternate, when  
to serve.

Proviso.

Chairman.

Only qualified  
electors to vote  
at primaries.

Poll list to be  
kept.

Proviso.

Duty of city  
clerk.

inspectors of primaries shall, during their term of office, constitute the board of inspectors for all primaries of such political party in such precinct. In the absence of one or more members of said board, one or more of the said alternate inspectors, to be designated by the members of said board present, shall serve in their stead, and on failure of such alternate inspectors to act, then the vacancy or vacancies shall be filled by a *viva voce* vote of the electors of the party holding such primary present at the opening of said primary: *Provided, however,* That the board of inspectors for the first primary of each political party after this act takes effect shall be the member of the ward committee of such party for such precinct, and three inspectors appointed by the chairman of the city committee of the party holding such primary, whose appointment shall be evidenced at such primary by a certificate signed by the chairman and secretary of said city committee. After the taking of any such *viva voce* vote for a member of such board to fill such vacancy, any elector of such precinct shall have the right to demand that the inspector so voted for shall be elected by a division of the electors present, and a count, and any refusal of the person presiding at such primary, or any other person or persons, to allow such election to be made by division and count, and any wilful fraud or corrupt conduct therein, shall be a misdemeanor, and punishable as hereinafter provided. The member of the ward committee in each precinct shall be *ex officio* chairman of said board of inspectors. In his absence the board of inspectors shall appoint one of their number chairman.

SEC. 7. No person shall be allowed to vote at any primary in said city who is not a duly qualified elector of the precinct, nor unless his name appears on the registration list of the said last preceding registration, and it shall be the duty of the said board of inspectors to cause an examination to be made of the registration list provided for by this act before the vote of any person is received, to determine whether such person is duly registered, and to enter in the proper column of such registration list opposite the name of each person who votes at such primary a minute of the fact that he has so voted. A poll list shall be kept by said inspectors of all persons voting at such primary: *Provided,* That in the cases provided for in section three of this act, where such primary is held prior to the session of the board of registration, which is held twenty days before election, then any such person as shall have become a legal voter in any precinct where such primary is held since the preceding registration may vote at such primary by making under oath the necessary proof required by law that he is a qualified voter in said precinct. It shall be the duty of the city clerk of such city where such primary is held to deliver the last registration list provided for by this act of each precinct and blanks for poll lists, together with one ballot box, to the member of the metropolitan police department or other agent of such police department detailed to attend such primary as herein provided, for the use of the respective board of

inspectors. It shall be the duty of the board or officer in charge of the police department in said city to detail an officer or other agent to attend at such primary held in said city for the purpose of preserving order thereat, and such officer or agent shall deliver such ballot box, together with the registration list, to the chairman of said board of inspectors, and prevent any mutilation or addition therein, except as herein provided, and return the same to the custody of the city clerk of said city at the close of said primary.

To detail an officer to attend primaries and preserve order.

Sec. 8. It shall be the duty of the several boards of registration in the various precincts of the city, in addition to all other duties required of them by law, at each session of said boards, held in October of each year, to make out in books to be prepared, furnished to them by said city clerk, an additional list of all the registered electors in their district, arranged alphabetically, as near as may be, in the order of their surnames, followed up by their full Christian names, ages and residences, as registered, and the registered number of each prefixed, and shall be ruled in columns with printed headings, as follows, namely: Registry number . . . . . Name . . . . .

Duty of the boards of registration.

Age . . . . . Residence . . . . . Voted October, 18 . . . . .  
Sworn . . . . . Voted March, 18 . . . . . Remarks . . . . .  
These lists shall be carefully compared by the board of registration of each district with the registration books thereof, and they shall then attach thereto a certificate, as follows: "We, the undersigned members of the district board of registration of electors in . . . . . district, . . . . . ward, of the city of Detroit, do certify that the foregoing list is a true and correct copy of the names, ages, residences and registry numbers, and of any entries in the column of 'Remarks' opposite such names on the registration books of said district of all persons who have been registered as residents and qualified electors in said district, dated this . . . . . day of . . . . . in the year . . . . . hundred and . . . . .," and which certificate shall then be signed by the members of said district board, and said list shall be delivered to the city clerk for use by the several boards of inspectors at the primaries held in the fall of the year, and in the year following, until a new list be made at the registration made in the month of October. At the registration made in the spring of the year, and at any registration preceding a special election, the board of registration shall complete said lists by adding thereto the names of any qualified electors registered by them, said names to be entered in the same manner, and there shall be annexed thereto a like certificate, as is required as above provided to be made by the board of registration at the fall registration. Said list shall be known and marked as the "duplicate registration list of electors for the . . . . . district, . . . . . ward (naming the district and ward)." Any entries in the column of remarks set opposite any name in the registration books shall be copied into the like column in the registration list of electors.

Only citizens identified with the party organization holding primaries shall vote thereat.

Oath.

Penalty for swearing falsely.

Booths, railing and gates to be provided.

Board to appoint a gate keeper.

Challenger.

Any voter who solicits or receives any money or valuable consideration for his vote shall be guilty of a misdemeanor.

SEC. 9. Only those citizens identified with the party or organization holding such primaries shall be permitted to vote thereat, and if any person shall be challenged on the ground that he is not a member of such party, he shall be required to take the following oath. "I do solemnly swear that I am a member of the party (name of party organization), and am in sympathy with its aims and objects, so help me God." And a minute of the taking of such oath shall thereupon be made by said inspectors on said registration list in the proper column opposite the name of the person who has taken said oath. If any person who takes the foregoing oath swears falsely, he shall, upon conviction thereof, be subject to all the pains and penalties of perjury.

SEC. 10. The places at which primaries are held in each precinct in said city of Detroit shall be provided with booths, railings and gates arranged in the same manner as required by law for the places of holding general elections. The board of inspectors of primaries of each precinct shall appoint a gate-keeper, who shall be in charge of the entrance gate. No person shall be allowed inside said railing excepting to vote, unless herein otherwise provided, and as soon as the voter has voted he shall immediately retire without, and shall not again be admitted, and only as many voters as there are booths shall be allowed within the railing at one and the same time. In addition to the members of the board of inspectors and gate-keepers, persons desiring to challenge voters shall be admitted within the election house for such purpose only, but each person so admitted shall retire as soon as his challenge is disposed of. On entering the room where said primary is held, the voter shall immediately go alone into a booth which is unoccupied, and shall there, concealed from view of all other persons, fold his ballot so that no part of the face thereof is exposed, and on leaving the booth shall immediately deliver such ballot so folded to the inspector, and if such voter is entitled to vote, such ballot unopened shall thereupon be deposited by said inspector in the ballot box. If any voter shall show his ballot, or any part thereof, so as to disclose the name of any person voted for thereon, or so as to disclose the face of such ballot, to any person after leaving the booth, his vote shall not be received, but his name shall be entered upon the poll list and a minute of the occurrence entered, and such voter shall not again be permitted to vote at such primary.

SEC. 11. If any voter shall solicit from any candidate for election at any primary, or shall receive, directly or indirectly, from such candidate, any money, or promise of place or position, or any valuable consideration of any kind, for his vote or support at such primary, he shall be deemed guilty of a misdemeanor. Any person who shall knowingly violate any of the provisions of this act, or who shall neglect or refuse to perform any duty enjoined upon him hereby, any person who shall vote more than once at the same primary, and any person who shall vote at more than one primary held for the same election, shall be deemed guilty of a misdemeanor.

**SEC. 12.** Any person seeking an election at any primary or convention, or as a delegate to a convention or as a nominee to any office, who shall offer to any voter any money or reward of any kind, or shall promise any place or position for the purpose of securing such voter's vote and support at such primary or convention, shall be deemed guilty of a misdemeanor.

Any candidate, delegate or nominee who shall offer or promise any money or other consideration for votes, shall be guilty of a misdemeanor.  
Canvass of votes.

**SEC. 13.** The votes cast at any such primary in the city of Detroit shall be counted and canvassed as is by law prescribed for April and November elections by the laws of this State, and any ballot which shall bear any distinguishing mark or mutilation shall be void and shall not be counted. After the count of the tickets or ballots has been completed the result shall be immediately publicly declared, and the number of votes received by each candidate or person on the ticket shall be publicly declared by one of the inspectors. The board of inspectors shall then prepare certified statements of the result in duplicate, showing the whole number of votes for each office voted for at such primary, the names of the persons for whom such votes were given, and the number each person received. One of these statements shall be sealed and placed in charge of an officer of the police department, to be delivered to the city clerk. At any convention, the delegates to which are elected by election precincts, such certified statement, or a copy thereof certified by the city clerk, shall constitute the credentials of such delegates. The poll list and the registration list and the ballot box shall at the same time be delivered to said officer of the police department, to be by him returned to the city clerk. Said clerk shall be responsible for the care of such statement at all times, but they shall be at all times open to the inspection of any citizen. The other duplicate return shall by said inspector be delivered to one of their number designated by such board of inspectors to meet with other designated inspectors from other precincts of the same ward, in the election house in precinct number four in such ward at ten o'clock in the forenoon, on the first secular day after such primary; and such precinct inspectors, so designated, shall then constitute a board of canvassers for such ward, and shall tabulate the returns from the several precincts of such ward, and publicly announce the result, showing the vote by precincts and the aggregate vote in each ward received by each person or candidate voted for at such primaries in each and every one of the precincts in such ward, and also showing what persons have been elected at such primaries, and in case of the election of delegates to any political convention shall make and certify, under their hands, duplicate certificates in writing showing what persons have been so elected as such delegates. One of these certificates shall be filed with the city clerk and the other shall be delivered to the committee on credentials of such convention. But any delegate so elected shall be entitled to receive a copy of said certificate from said board of inspectors on demand made therefor. At such con-

Inspectors to prepare statement, what to show.

Statement to be delivered to the city clerk.

Poll and registration lists and ballot box to be returned to city clerk.

Board of canvassers.

vention such certificate, or a copy thereof certified by such city clerk, shall constitute the credentials of such delegates.

No delegate shall give a proxy.  
Vacancies.  
Provido.

SEC. 14. No delegate elected to any convention shall give a proxy to represent him at such convention. All vacancies occurring in any delegation from any ward to any convention, shall be filled by a majority vote of such delegation: *Provided*, That such delegation shall not be permitted to fill any vacancy which may occur in its number by any person not a resident of the precinct from which such absent delegate was chosen, and any person, not duly elected or chosen as hereinbefore set forth, who shall sit as a member of a delegation in any convention, or who shall secure his election thereto by the offer of any valuable consideration whatever, or by the promise of any reward, place or position, shall be deemed guilty of a misdemeanor.

Convention to nominate by viva voce vote.

SEC. 15. After any convention of any political party shall be duly organized it shall proceed to select its candidates for the office that such convention is assembled to nominate by a *viva voce* vote on call of the roll of delegates. Any delegate or member of any convention who shall solicit any candidate for election or nomination before said convention, for money, reward, position, place or preferment for his support in such convention, shall be deemed guilty of a misdemeanor.

No primary or convention to be held at any time except as here-in otherwise provided.

SEC. 16. No primary or convention of any political party or organization for the purpose specified in section two of this act, shall be held in any manner nor at any time nor place other than is specified by this act, except as herein otherwise provided.

Primaries outside the corporate limits of the city of Detroit, how held.

SEC. 17. All primaries held in townships, wards and election districts outside the corporate limits of the city of Detroit, and within the county of Wayne, may be held in accordance with the customs, rules and regulations of the political party or other organization holding the same, not inconsistent with existing laws.

Penalty for misdemeanor.

SEC. 18. The punishment of any of the offenses in this act declared to be a misdemeanor, shall be a fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

City clerk to cause to be posted posters containing synopsis of sections 6, 11, 12 and 13 of this act.

SEC. 19. It shall be the duty of the city clerk in said city to cause to be posted in a conspicuous place in all places where primaries are held, so that the same may be plainly seen at such primary, large posters containing a synopsis of the provisions of sections six, eleven, twelve and thirteen of this act.

This act is ordered to take immediate effect.

Approved May 16, 1895.

## [ No. 412. ]

**AN ACT** to detach certain territory from the township of Grosse Pointe, in the county of Wayne, in the State of Michigan, and to organize the same into a separate township to be known as the township of Gratiot, in said county.

**SECTION 1.** *The People of the State of Michigan enact,* That the following territory in the township of Grosse Pointe, in Wayne county, to wit: All that portion of said township of Grosse Pointe lying northerly and westerly of a line lying one hundred rods northerly and westerly and parallel with Mack road, so called, beginning at the base line of Macomb county, and extending southerly and westerly across said township of Grosse Pointe, to the westerly line thereof, now forming part of the township of Grosse Pointe, in the county of Wayne, be and the same is hereby detached from the residue of the above named township of Grosse Pointe and organized into a separate township to be known as the township of Gratiot.

Township of Gratiot organized.

**SEC. 2.** The first annual meeting of said township of Gratiot shall be held on the first Monday in April next, at the B. F. Gartner homestead, at the intersection of Gratiot and State road in said township, and Frank C. Schattler, George H. Kelley, Peter Girard and William Ackley are hereby made and constituted a board of inspectors of said township election and at such election the qualified electors shall choose by ballot persons to fill the various township offices in manner and form as provided by the general laws of this State in case of township elections.

First annual meeting.

Board of inspectors of election.

**SEC. 3.** If for any reason the township meeting provided for in the last preceding section shall not be held at the time and place specified for holding the same, it shall be lawful to hold the same at any time thereafter, by giving at least five days notice of the time and place of holding such meeting, by posting notice thereof in four public places in said township, which notice may be given by said board of inspectors of election or a majority of them.

When annual meeting may be held at other than time specified.

**SEC. 4.** If for any reason all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting at the time specified it shall be lawful for the electors of said township who shall be present at the time and place designated for opening the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election in place of such inspectors who shall neglect or be unable to attend said meeting.

Vacancies in board of inspectors, how filled.

**SEC. 5.** And the said Frank C. Schattler, George H. Kelley, Peter Girard and William Ackley shall constitute a board of registration, with like powers and duties of township boards of registration in other cases and the holding of the session of said board of registration shall be at the B. F. Gartner homestead, at the intersection of Gratiot and State road on the Saturday preceding said election.

Board of registration, powers of.

Board of commissioners to conduct election.

SEC. 6. Frank C. Schattler, George H. Kelley, Peter Girard and William Ackley are hereby constituted a board of commissioners to conduct said election.

Approved May 16, 1895.

[ No. 413. ]

AN ACT to amend an act relative to free schools in the city of Detroit, approved February twenty-fourth, in the year eighteen hundred and sixty-nine, and the subsequent amendments thereto, by adding thereto a section to be known as section twenty-eight.

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That an act relative to free schools in the city of Detroit, approved February twenty-fourth, in the year eighteen hundred and sixty-nine, and the amendments thereto, be amended by adding thereto a section to be known as section twenty-eight, the same to read as follows:

Board of education may expel or remove from office any of their own members.

SEC. 28. The board of education of the city of Detroit may, respectively, by vote of two-thirds of all the members thereof, expel or remove from office any of their own members, for corrupt or wilful malfeasance or misfeasance in office, or for wilful neglect of the duties of his or her office, and in such case the reason for such expulsion or removal shall be entered on the records of said board of education with the names and votes of the members voting on the question: *Provided, however*, That no such member shall be expelled or removed unless he or she shall first be furnished with a copy of such charges as are laid against such member, which shall be in writing, and also be allowed to be heard in his or her defense, with aid of counsel, and for this purpose the said board of education shall have power to issue subpoenas to compel the attendance of witnesses and the production of papers, and shall proceed within ten days after service of a copy of the charge to hear and determine upon the merits of the case. If such member shall neglect to appear and answer to such charges, his failure so to do may be deemed good cause for his removal from office.

Proviso.

Approved May 16, 1895.

[ No. 414. ]

AN ACT to amend section one of chapter three, and sections one, two, three and six of chapter five, and sections one, two and three of chapter six, and sections four, five, eleven, twenty-one and twenty-two of chapter fifteen, and to repeal sections seven, eight and nine and to renumber the follow-



ing sections of chapter fifteen, and to amend section three of chapter nineteen, and to add one new section to chapter nineteen to be known as section five *b*, and to amend section six of chapter nineteen, and chapter twenty-two of act number two hundred and ninety-six of the local acts of eighteen hundred and eighty-five, entitled "An act to incorporate the city of Albion," approved March twenty-sixth, eighteen hundred and eighty-five.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.  
That section one of chapter three, and sections one, two, three and six of chapter five, and sections one, two and three of chapter six, and sections four, five, eleven, twenty-one and twenty-two of chapter fifteen, and to repeal sections seven, eight and nine, and to renumber the following sections of chapter fifteen, and to amend section three of chapter nineteen, and to add one new section to chapter nineteen, to be known as section five *b*, and to amend section six of chapter nineteen and chapter twenty-two of act number two hundred and ninety-six of the local acts of eighteen hundred and eighty-five, entitled "An act to incorporate the city of Albion," approved March twenty-sixth, eighteen hundred and eighty-five, be amended, said sections and said chapter twenty-two, respectively, to read as follows:

### CHAPTER III.

#### OFFICERS OF THE CITY.

SECTION 1. The officers of said city shall be a mayor, city officers.  
clerk, city marshal, city treasurer, four justices of the peace, a health officer, and such other officers to be appointed by the mayor, as may be necessary to carry out and make effective the provisions of this act; and in each ward of said city two aldermen, a supervisor and a constable shall be elected.

### CHAPTER V.

#### APPOINTMENT OF OFFICERS.

SECTION 1. The mayor shall at the first meeting of the city Appointment of officers.  
council held after the newly elected mayor and alderman shall have qualified and entered upon the duties of their respective offices, in each year, appoint, by and with the consent of the council, the following officers, viz.: A city attorney, city marshal, street commissioner, city surveyor, health officer, chief of fire department, and such number of policemen and special policemen and watchmen as he may deem necessary to protect the persons and property in said city, and to maintain good order therein. The council may also, from time to time, provide by ordinance for the appointment of, for such term as

may be provided in the ordinance, such other officers whose election or appointment is not herein specifically provided for, as the council shall deem necessary for the execution of the powers granted by this act, and to enforce good government in said city. All such appointments shall be made by the mayor by and with the consent of the council, and their powers and duties shall be prescribed by ordinance. Appointment to office, which for any cause shall not be made at such meeting of the council, may be made at any subsequent regular meeting of the council, and nothing herein contained shall be construed to prevent the appointment, by the mayor, in case of any emergency, of as many special policemen and watchmen as he may deem necessary.

**Term of office.**

SEC. 2. All officers appointed by the mayor, except those appointed to fill a vacancy, shall hold their respective offices until the second Monday in April next after such appointment, and until their successors qualify and enter upon the duties of their office, unless a different term of office shall be prescribed by this act or unless removed by the mayor. Officers appointed to fill a vacancy, in appointive offices, shall hold their offices for the residue of the term in which the vacancy occurred.

**Bond.**

SEC. 3. Every person appointed to office by the mayor, except special policemen and watchmen, shall, before entering upon the discharge of their duties, and within such time as the council may determine, file with the clerk of said city such bond or security, running to the city of Albion as may be required by law or by any ordinance or requirement of the city council with such surety or sureties as shall be approved by said council, conditioned for the faithful and due performance of the duties of his office, except the bond or security given by the clerk, shall be deposited with the treasurer of said city.

**Removal from office.**

SEC. 6. The mayor may, upon filing his reasons therefor with the city clerk, remove any officer appointed by him at any time whenever he shall deem it for the best interests of the city and may suspend any policeman for neglect of duty.

## CHAPTER VI.

### POWERS AND DUTIES OF THE MAYOR.

**Powers and duties of the mayor.**

SECTION 1. The mayor of said city shall be the chief executive officer thereof, and shall be president of the council, and preside at the meetings thereof, but shall have no vote therein, except in case of a tie, when he shall have the casting vote.

**Idem.**

SEC. 2. The mayor shall have power to, and shall appoint all standing committees. He shall call special meetings of the city council, whenever he shall deem it expedient or whenever requested in writing by three or more aldermen.

**Idem.**

SEC. 3. The mayor shall see that all by-laws, rules, regulations and ordinances of said city are enforced, and he shall have authority at all times to examine and inspect the books,

records and papers of any agents, commissioners and officer of the corporation pertaining to the duties and office of such persons, and shall have supervision and control of the marshal and police and all appointive officers. He shall sign all warrants and orders for money on the treasury of said city, and shall perform generally such duties as may be required of him by this act.

## CHAPTER XV.

SEC. 4. On the second Monday in April in each year, the council shall appoint one of their number president *pro tem*. President  
pro tem. *pore* of the council, who, in the absence of the mayor, shall preside at the meetings thereof, and exercise the powers and duties of president. He shall have a vote upon all questions, but he shall have no casting vote in the case of a tie. In the absence of the president *pro tem*, the council shall appoint one of their number to preside, and for the time being he shall exercise the powers and duties of the president *pro tem*.

SEC. 5. The city council are vested with full power to compensate from the funds of said city the appointive officers provided for in this act, and prescribe by ordinance or resolution their powers and duties not specifically defined by this act. Power of council  
to compensate  
appointive  
officers.

SEC. 11. The city council shall have power to borrow money for necessary expenses and public improvements in said city, upon notes signed by the mayor and city clerk: *Provided*, That it shall not be lawful for said city council to thus create an indebtedness of more than five thousand dollars, unless the question of raising a greater sum shall first be submitted to the electors of the several wards of said city, at its annual election or at a special election called for that purpose by the city council, and a majority of the qualified electors thereof voting at such election, shall vote by ballot for the same. Power to borrow  
money.  
Provido.

SEC. 21. The city council shall have power to regulate the construction of all sidewalks and crosswalks in the public streets and alleys of said city, and may prescribe the grade thereof and change the same when deemed necessary. Said council shall have power to order the construction and maintenance of sidewalks and crosswalks in the public streets and alleys of said city and charge the cost and expense of sidewalks upon lots and premises abutting upon such walks. Crosswalks shall be deemed to extend from outside line of sidewalk to outside line of sidewalk. Sidewalks and  
crosswalks.

SEC. 22. The city council shall have power to require the owners and occupants of all lots and premises to construct, repair and maintain sidewalks in the public streets of said city whenever said council shall deem the construction, repair or maintenance of the same a public necessity; and said council shall have power to require all sidewalks to be constructed and laid upon such lines and grades, and of such width and materials, and manner of construction, and within such time, as said council may order, or by resolution or ordinance prescribe. Constructing  
and repairing  
sidewalks.

And whenever cement or artificial stone sidewalks shall be constructed by the owner or occupant of any lot or premises, or whenever the city council shall cause the same to be constructed, the city council shall have power to pay from the bridge, sidewalk and crosswalk fund, not exceeding one-third of the cost of such sidewalk.

## CHAPTER XIX.

### FINANCE AND TAXATION.

Revenues divided into different funds.	SEC. 3. The revenues raised by general tax upon the taxable property in the city, or by loan to be repaid by such tax, shall be divided into the following general funds:
General fund.	<i>First</i> , General fund, to defray the contingent and other expenses of the city, for the payment of which from some other fund no provision is made;
General street fund.	<i>Second</i> , General street fund, to defray the expenses of opening, widening, extending, altering and vacating streets, alleys and public grounds, and for grading, paving, curbing, graveling and otherwise improving, repairing and cleaning the streets, alleys and public grounds of the city;
Bridge, sidewalk and crosswalk fund.	<i>Third</i> , Bridge, sidewalk and crosswalk fund for the construction and repair of bridges, sidewalks and crosswalks, and for the care thereof;
Cemetery fund.	<i>Fourth</i> , Cemetery fund;
Water fund.	<i>Fifth</i> , Water fund;
Other funds.	<i>Sixth</i> , Such other general funds as the common council may from time to time constitute.
Limit of tax for bridges and sidewalks.	SEC. 5b. The council may raise by general tax upon the taxable real and personal property in the city, for the purpose of defraying the expenses of constructing and repairing bridges, sidewalks and crosswalks, a sum not exceeding in any one year one-fourth of one per cent.
Limit of tax for cleaning streets.	SEC. 6. The council may also raise by tax in each street district for defraying the expense of working upon, improving and repairing and cleaning the streets of the district, and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in any one year one-fourth of one per cent on the assessed value of the taxable real and personal property in the district.

## CHAPTER XXII.

### ORDINANCES.

Ordinances, style of.	SECTION 1. The style of all ordinances shall be, "Be it ordained by the city council of the city of Albion." All ordinances shall require, for their passage, the concurrence of a majority of all the aldermen elected. The time when any ordinance shall take effect shall be prescribed therein. Such time,
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when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

SEC. 2. When, by the provisions of this act the council of said city has authority to pass ordinances for any purpose they may prescribe fines, penalties and forfeitures not exceeding three hundred dollars, unless a greater fine or penalty is herein authorized, or imprisonment not exceeding ninety days, or both, in the discretion of the court, together with the costs of prosecution for each violation of any said ordinances and may provide that the offender, on failing to pay any such fine, penalty and forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding ninety days unless payment thereof be sooner made and may direct such imprisonment to be in the city prison, or in the county jail of the county of Calhoun, or in such other prison or place of confinement, in the State, as the council may prescribe. Such fine, penalty, forfeiture and imprisonment, for the violation of any ordinance, shall be prescribed therein.

Fines, penalties and forfeitures, amount of.

SEC. 3. No ordinance or resolution passed by the council shall have any force or effect, if, on the day of its passage, or on the next day thereafter, the mayor, or other officer or person legally discharging the duties of mayor shall lodge in the office of the clerk a notice, in writing, suspending the immediate operation of such ordinance or resolution. If the mayor, or other officer or person legally exercising the office of mayor, shall, within three days after the passage of any such ordinance or resolution, lodge in the office of the city clerk his reasons in writing, why the same should not go into effect, the same shall not go into effect nor have any legal operation unless it shall, at a subsequent meeting of the council, be passed by a majority of two-thirds of all the aldermen elect and then in office, and if so repassed shall go into effect according to the terms thereof. If such reasons shall not be lodged with the clerk as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been lodged with the city clerk, and no ordinance or resolution of the council, shall go into operation until after the expiration of twenty-four hours after its passage, unless the said mayor, or acting mayor, shall approve the same in writing.

Immediate operation of ordinance may be suspended.

SEC. 4. No ordinance shall be revived unless the whole, or so much as is intended to be revived, shall be reenacted. When any section, or part of a section of an ordinance is amended, the whole section, as amended, shall be reenacted.

When ordinances may be revived.

SEC. 5. All ordinances when approved by the mayor or when regularly enacted shall be immediately recorded by the clerk of the council, in a book to be called "The Record of Ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

Ordinances to be recorded.

SEC. 6. Within one week after the passage of any ordinance the same shall be published in some newspaper printed and circulated within the city, and the clerk shall immediately

To be published.

after such publication enter upon the record of ordinances, in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made.

Judicial notice.

SEC. 7. In all courts having authority to hear, try or determine any matter or cause arising under the ordinances of said city, and in all proceedings in such city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of the ordinances of the city. And when it shall be necessary to prove any of the by-laws, regulations or ordinances of said city, or any resolution adopted by the council thereof, the same may be read in all courts of justice, and in all proceedings:

By laws and ordinances, now proved.

*First*, From a record thereof kept by the city clerk;

*Second*, From a copy thereof, or of such record thereof, certified by the city clerk under the seal of the city;

*Third*, From any volume of ordinances purporting to have been written or printed by authority of the council.

This act is ordered to take immediate effect.

Approved May 16, 1895.

[ No. 415. ]

AN ACT to organize the township of Union, in the county of Grand Traverse, into a single school district, under the unit system.

Township of Union organized into a single school district.

SECTION 1. *The People of the State of Michigan enact*, That the township of Union, in the county of Grand Traverse, comprising township twenty-six north, range nine west, be and the same is hereby organized into a single school district comprising and including all of the territory in said township, and that all of said territory is hereby made subject to assessment, levy and collection of taxes for the support of schools and the erection of buildings, and to provide for the payment of salaries of teachers in said district.

Board of education.

SEC. 2. The officers of said district shall consist of two trustees, who shall act with the clerk and school inspector of said township, and the said trustees, clerk and school inspector shall constitute the board of education of said district. Said two trustees shall be elected by ballot at the annual township meeting of said township upon the same ticket, and the vote therefor to be canvassed in the same manner as the vote for township officers required by law to be elected by ballot: *Provided*, That at the annual election to be held in said township next subsequent to the taking effect of this act, there shall be elected two trustees of said district by the electors thereof, one

Trustees to be elected at annual township meeting.

Proviso.

of whom shall hold his office for the term of one year, and the other for the term of two years from the date of their election, and until their successors shall be elected and qualified. The time each person voted for is intended to serve to be designated on the ballot, and at each election thereafter there shall be elected one trustee in said district who shall hold his office for the term of two years, and until his successor shall be elected and qualified, and said trustees to be designated on the ticket or ballot "for member of board of education."

Form of ballot.

SEC. 3. Within five days after the annual election, the township clerk shall notify in writing, the persons elected trustees under this act of their election, and within five days thereafter said trustees so elected shall take and subscribe the oath of office prescribed by the constitution of this State, before any officer authorized to administer oaths, and file the same with the township clerk. The term of office of the trustees of said district shall commence on the second Monday following the annual township election at which they are elected.

Oath of office.

When term of office of trustee to commence.

SEC. 4. The members of the board of education shall meet on the third Monday of April of each year, at the office of the township clerk, and organize. The school inspector of the township whose term of office will soonest expire shall be president of the board and shall be entitled to vote in all cases. In the absence of the president at any meeting a majority of the members present may choose one of their own number president *pro tem*. The township clerk of said township shall be *ex officio* clerk of said board of education, and shall be entitled to vote thereon, and in case of the absence of said clerk the board may choose some suitable person to perform his duties.

Organisation of board of education. President and president pro tem.

Township clerk to be *ex officio* clerk of board.

Said board shall on the third Monday of April in each year elect from their own number a treasurer who shall hold his office for one year and until his successor is elected and qualified, and may at any time fill a vacancy in the office of treasurer: *Provided*, That the person appointed to fill a vacancy in the office of treasurer shall hold the office for the unexpired portion of the term only. The treasurer of said board shall within five days after his appointment as such treasurer, file with the clerk of said board the constitutional oath of office.

Treasurer, term of.

Provided.

He shall also, before entering upon the duties of his office, give a bond to said district in such sum and with such sureties as said board shall determine and approve, conditioned for the faithful performance of his duties under this act, and honestly accounting for all moneys coming into his hands belonging to said district. The treasurer of said board shall have the keeping of all school and library moneys, and shall not pay out the same without the authority of the board upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president.

Oath and bond.

Duties of.

SEC. 5. Said board of education shall have power to fill vacancies that may occur in the office of trustee until the next annual election and such trustee shall file with the clerk of said board his oath of office within five days after such appointment by the board.

Vacancies in office of trustee, how filled.

Regular  
meetings.

Special meet-  
ings.

Meetings, where  
held.

Records.

Board of school  
inspectors.

General powers  
of board as to  
schools.

At each annual  
meeting elect-  
ors present shall  
determine  
amount of  
money to be  
raised by tax.

SEC. 6. A majority of the members of said board shall constitute a quorum and the regular meetings of said board shall be held on the third Monday of April, August and December in each year and no notice of such meeting shall be required and any two members of said board shall be sufficient to adjourn any meeting from time to time until a quorum is present. Special meetings of said board may be called at any time on the request of the president, or any two members thereof, in writing, delivered to the clerk; and the clerk upon receiving such request shall at once notify each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk. All meetings of said board shall be held at the township clerks' office, unless otherwise ordered by a resolution of the board; and all records and papers of said district shall be kept in the custody of said clerk and shall be open to the inspection of any taxpayer of said district.

SEC. 7. The said board shall be the board of school inspectors for said district and shall as such report to the clerk of the county in which such township is located and shall have all the powers and perform all the duties now enjoyed and performed by boards of school inspectors, and the president of said board shall perform all the duties required by law of the chairman of the board of school inspectors, and the board of school inspectors for such township is hereby abolished except as its powers are vested in said board of education.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase schoolhouse sites, erect buildings and furnish the same, employ legally qualified teachers, provide books for district library, make by-laws relative to taking the census of all children in said district between the ages of five and twenty years, and to make all necessary reports and transmit the same to the proper officers, as designated by law, so that the district may be entitled to its proportion of the primary school fund; and said board shall have authority to make all needful regulations and by-laws relative to visitation of schools; relative to the length of time schools shall be kept, which shall not be less than three months in each year; relative to the employment of teachers duly and legally qualified; relative to the regulations of schools and the books to be used therein and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district and the promotion of a thorough education of the children thereof. It shall be the duty of the treasurer of said board to apply for and receive from the township treasurer or other officer holding the same all moneys appropriated for primary school and district library of said district.

SEC. 9. At each annual township meeting held in said township the qualified electors present shall determine the amount of money to be raised by tax for all school purposes for the ensuing year: *Provided*, That in case the electors at



any annual township meeting shall neglect or refuse to determine the amount to be raised as aforesaid, then the board of education shall determine the same at any regular meeting thereof, which amount the township clerk shall, within sixty days thereafter, certify to the supervisor of the township, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as other township taxes: *Provided*, That for purchasing school lots and for erecting schoolhouses, no greater sum than three mills on the dollar of all the taxable valuation of the real and personal property in said township shall be levied in any one year.

*Proviso.*

*Further proviso.*

SEC. 10. All taxes assessed within said township for school purposes shall be set forth in the assessment roll of said township, in a separate column, apart and distinct from all other township taxes.

*Separate column of assessment roll.*

SEC. 11. The treasurer of the township shall at any time, at the written request of said board of education, report to said board the amount of school money in his hands, and shall, on the order of the president of said board of education, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt which he shall file with the clerk of said board.

*Treasurer to make report to board of education.*

SEC. 12. The said board shall annually, prior to the first day of April in each year, make a detailed statement of the number of schools in said district, the number of teachers employed, and the number of pupils instructed therein during the preceding year, and the expenditures of said board for all purposes, and also the resources and liabilities of said district, which report or statement shall be entered at length in the record of said board and shall be publicly read by the president of said board, or in his absence by the clerk thereof, to the electors of said township, at their annual meeting on the first Monday of April thereafter, at the hour of twelve o'clock, noon.

*Annual statement.*

*To be read at annual meeting.*

SEC. 13. All school property, both real and personal, within the limits of a township incorporated as aforesaid, shall, by force of this act, become the property of the public schools of such township, and all debts and liabilities of the primary school districts of said township, as they existed prior to its incorporation under the provisions of this act, shall become the debts and liabilities of said public schools of the township so incorporated.

*School property.*

SEC. 14. All money raised or being raised by tax, or accrued or accruing to the school districts of said township, as organized under the primary school laws of this State, shall hereby become the money of the public school of the township and no tax heretofore ordered assessed or levied for school purposes in said township or other proceedings shall be invalidated or affected by means of this act.

*Money raised by tax.*

SEC. 15. The compensation of the members of the board of education shall be one dollar and fifty cents for each day's actual service rendered for said district, and the clerk and

*Compensation of members of board of education.*

Of clerk and treasurer.

treasurer of said board shall receive such compensation for their services as the board may determine, not exceeding fifty dollars each per annum.

When township district shall be divided, existing board of trustees shall continue to act

SEC. 16. When any township district shall be divided into two or more townships, the existing board of trustees shall continue to act for all the townships until the same have been organized and township boards of trustees duly elected and qualified therein. Immediately after such organization, the township boards of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made. When such appraisal has been made, said township boards shall make an equitable division of the existing assets and liabilities of the school district of such former township, basing their apportionment upon the amount of taxable property in the township divided, as shown by the last assessment roll of such former township. When a township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township boards of each of the townships shall, immediately after such alteration, meet in joint session and make an equitable division of the assets and liabilities of the school district of the township from which the territory has been detached, basing their division upon the amount of taxable property, as the same shall appear upon the last assessment roll of such township.

Appraisal of school property.

An equitable division.

Approved May 16, 1895.

[ No. 416. ]

AN ACT to authorize the township of Germfask, in Schoolcraft county, to borrow money to be used in paying outstanding orders of said township and to issue bonds therefor.

Authorized to borrow money.

SECTION 1. *The People of the State of Michigan enact,* That the township board of the township of Germfask, in Schoolcraft county, be and is hereby authorized and empowered to borrow, on the faith and credit of said township, a sum not exceeding three thousand dollars for a term not exceeding six years, at a rate of interest not exceeding six per centum per annum, and to execute the coupon bonds of said township therefor in such form as said board shall determine, which bonds shall in no case be disposed of for a less sum than their par value.

Bonds.

How money shall be expended.

SEC. 2. Any sums borrowed under the provisions of this act shall be expended only in paying orders of said township outstanding at the time said bonds shall be issued.

To assess and collect additional amount necessary to pay interest and accruing bonds

SEC. 3. In case of the issue of said bonds it shall be the duty of the supervisor of said township to assess and the treasurer of said township to collect, in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all

interest upon such bonds accruing and becoming payable thereon, and also any installment of principal thereof falling due in any such year; but no more than five hundred dollars of such principal shall be made to become due in any one year; and the said interest shall be payable by the said treasurer when the same shall become due upon the presentation to him of the proper coupons, and the said principal shall be payable by said treasurer when the same shall become due on presentation of the proper bond.

This act is ordered to take immediate effect.

Approved May 17, 1895.

[ No. 417. ]

AN ACT to legalize the action of the board of supervisors of the county of Delta, in the year eighteen hundred eighty-three, instituting and creating a county hospital in said county, and all the proceedings of said board of supervisors relative to the management and maintenance of said hospital.

SECTION 1. *The People of the State of Michigan enact,* That the action of the board of supervisors of the county of Delta, in the year eighteen hundred eighty-three, instituting and creating a county hospital at the city of Escanaba, in said county, be and the same is hereby declared valid and legal; and that all the proceedings of the board of supervisors of said county of Delta, relative to the management and maintenance of said hospital be and the same are hereby declared to be legal and valid.

Action of the board of supervisors in instituting and creating hospital, declared legal.

SEC. 2. Said hospital shall be known as the James H. Tracy hospital.

SEC. 3. The board of supervisors of the said county of Delta shall have, and is hereby given the power and authority to make and adopt all necessary rules and regulations for the proper control, management and support of said hospital, and to appoint a physician and surgeon, superintendent and such other officers as may be required, at such salary or salaries as the said board of supervisors may fix.

Power of the board to adopt rules and regulations.

To appoint physician, surgeon, superintendent and officers.

SEC. 4. It shall and may be lawful for the board of supervisors of said county of Delta, for the purpose of defraying the cost and expense of maintaining, equipping and managing said hospital, in case the same shall not be self-supporting, to cause to be assessed against all the taxable property of said Delta county, as a special county tax to be known as the hospital tax, such an amount as the said board of supervisors at their annual meeting shall determine to be necessary therefor.

Shall be lawful to assess special tax for, if not self supporting.

This act is ordered to take immediate effect.

Approved May 17, 1895.

[ No. 418. ]

AN ACT to amend sections seventeen and thirty-seven of act number four hundred and twenty-eight of the session laws of eighteen hundred and eighty-seven, entitled "An act to revise and amend act number fifty-three of the session laws of eighteen hundred and fifty-nine, entitled 'An act to incorporate the city of Battle Creek,' approved February third, eighteen hundred and fifty-nine, as revised and amended by the several acts revisionary and amendatory thereof," approved April ninth, eighteen hundred and eighty-seven, approved May ninth, eighteen hundred and eighty-nine, approved May twenty-second, eighteen hundred and ninety-one, and approved March twenty-second, eighteen hundred and ninety-three, and to add one new section to said act of incorporation to stand as section ninety-seven of said act.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections number seventeen and thirty-seven of act number four hundred and twenty-eight of the session laws of eighteen hundred and eighty-seven, entitled "An act to revise and amend act number fifty-three of the session laws of eighteen hundred and fifty-nine, entitled 'An act to incorporate the city of Battle Creek,' approved February third, eighteen hundred and fifty-nine, as revised and amended by the several acts revisionary and amendatory thereof," approved April ninth, eighteen hundred and eighty-seven, as amended by act number three hundred and eighty-four of the session laws of eighteen hundred and eighty-nine, approved May ninth, eighteen hundred and eighty-nine, and as amended by act number three hundred and thirty-one of the session laws of eighteen hundred and ninety, approved May twenty-second, eighteen hundred and ninety-one, and as amended by act number three hundred and twelve of the session laws of eighteen hundred and ninety-three, approved March twenty-second, eighteen hundred and ninety-three, so that said sections shall read as follows:

Board to cause  
sewer plans to  
be made.

SEC. 17. Whenever said board shall be directed to submit plans for sewers or drains to said common council, they shall cause to be prepared by some competent engineer a plat of so much of said city as in their opinion will require sewers, showing the streets, the location of the sewers, and the depth, grade and dimensions thereof, which plat, upon being approved by the common council, shall be kept and filed in the office of the board of public works, and constitute a permanent plan to which all subsequent sewers shall conform until changed, on the recommend of the board of public works, by a two-thirds vote of all the aldermen elect. No sewers shall be connected hereafter in that part of the city outside the limits of the original sewer plat, except when the same shall be in conformity to a general plan, carefully prepared beforehand. The board shall then cause another plat to be made, according to the

Where filed.

Plan of sewer.

above plan, of so much of said city as may be proposed to be then provided with sewers, and which shall include, as nearly as may be, the entire business portion of said city, and the extension of the main or trunk sewers to some convenient point of discharge; and the portion of said city so included shall be known as "Sewer assessment district number one."

When such last mentioned plat is completed, it shall be submitted, with specifications and estimates, to the common council for approval, and upon approval of the same, the said council may, by resolution, order the construction of same in manner specified in section fourteen above. The cost of constructing the sewers in said district shall be paid as follows: So much of the main or trunk sewer as lies outside of said "district number one," or is not within the limits of any street

District No. 1.  
To be submitted  
with estimates,  
etc., to council.

Cost of con-  
struction, how  
paid.

May borrow  
money and issue  
bonds.

in said district shall be paid for by the city. To meet the expenses of the construction of sewers in said city, in anticipation of the collection of assessments and taxes to defray the expense and cost thereof, the common council may by resolution authorize and direct the mayor and recorder of said city, to borrow a sum not exceeding ten thousand dollars in any one year, for such purpose, and to issue the bonds, or other obligations of said city therefor, bearing interest at a rate not exceeding five per cent per annum, payable semi-annually:

Proviso,

*Provided*, That the total amount of sewer bonds or other obligations for sewers, which the common council is hereby authorized to issue, shall not exceed one hundred thousand dollars outstanding at any one time. The bonds which may be issued in any one year, shall all be paid within twenty years from the date of issue, the said bonds to be indorsed "Sewer bonds" and to be numbered consecutively. Said bonds shall not be sold for less than par, and the proceeds of the same shall be paid to the city treasurer and by him placed to the credit of the sewer fund. The assessment for the cost of the construction of lateral sewers shall be made by the board of public works, and collected by the city treasurer, in the manner in this charter provided for making and collecting such assessments. The expense attending the construction of

Assessment for  
cost of construc-  
tion of lateral  
sewers.

Expense at-  
tending the con-  
struction of,  
shall be assessed  
upon the lots  
through or near  
which such  
sewer or drain  
shall be laid.

sewers shall be borne as follows, to wit: The amount of the expense of constructing any lateral drain or sewer, and such proportion of the expense of constructing any main drain or sewer as the construction of a lateral drain or sewer would, in the opinion of the board of public works amount to, shall be assessed by said board upon the lots through or near which such sewer or drain shall be laid, in proportion to the benefits derived by them respectively therefrom, or according to the frontage thereof. The amount of so much of the expense of constructing any main drain or sewer as shall exceed the cost of a proper lateral drain or sewer, shall be assessed upon the real and personal property included within the corporate limits of the city of Battle Creek in proportion to the assessed valuation of the property in said city. The said board of public works shall cause assessments for the expense aforesaid of each

Common council to hear the allegations and proofs of all persons who complain of such assessments.

Assessment shall be attested by the recorder under seal and deposited with supervisor.

To be placed in the next annual tax roll in the sewer column.

Provided.

Assessments to be collected in same manner as other city taxes.

Powers of council.

To pave streets.

Construct sidewalks.

lateral sewer constructed to be made out in proper form, with diagram showing the property assessed, and the names of the owners thereof so far as the same can be ascertained (and when the name of the owner thereof cannot be ascertained the same shall be marked "owner unknown"), and when such assessment is made the said board shall submit the same to the common council, and the same shall be numbered and certified under seal by the recorder of said city. Upon such submission as aforesaid, the recorder of the city shall give notice to all persons assessed, either by personal service, or by advertising in some newspaper in said city, of the time when the common council will hear appeals from such assessment, and which said notice shall not be less than one week. At the time appointed for that purpose, and at such other times as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessments, and may rectify and amend said assessment in whole or in part, or may set the same aside and direct a new assessment; or the said common council may ratify and confirm such assessment without any correction, or with such corrections therein as they may think proper, conforming to the provisions of this charter. When any such assessment for the construction of sewers shall have been confirmed by the common council of said city, the assessment roll shall be attested by the recorder under seal, and it shall be deposited with the supervisor, who shall be responsible for its safe keeping. The supervisor shall place such assessment in the next annual tax roll, in the sewer column thereof, upon and opposite the description of property described in said assessment sewer roll: *Provided*, That the common council may order that the said assessment shall be collected as soon as the cost thereof is ascertained and reported by the board of public works, if said common council shall deem it best so to do. When such assessment is directed to be made according to frontage, said board of public works shall assess to each lot or parcel of land, such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all lots to be assessed, unless on account of the location, shape, or size of any lot, or on account of the same being situated on a corner of two streets, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement. All assessments shall be collected in the same manner, and with the same remedies as other city taxes.

SEC. 37. The common council of said city shall have and they are hereby invested with full power and authority:

*First*, To pave and repave, gravel, macadamize, or plank any or all of the streets, lanes, alleys, or public places in said city;

*Second*, To construct and reconstruct, and cause to be constructed and reconstructed and repaired all sidewalks and

crosswalks, and to establish the grade and width thereof, and to prescribe the material of which the same may be constructed and the time when, and the methods of paying for the same;

*Third,* To construct sewers, and to fill up, level, or drain places or property which may be, or may be deemed unhealthy from the want thereof, and to regulate the construction and maintenance of private drains and cesspools.

Construct  
sewers.

*Fourth,* To compel all railroads and railway or street car lines within said city to construct and maintain all proper and necessary drains, culverts and sewers upon and across their rights of way, tracks and grounds, and to pay for the same.

To compel rail-  
roads or street  
car lines to con-  
struct necessary  
drains, etc.

And the common council may by special assessment assess the cost and expense of such improvements upon the owners of the property abutting upon, adjacent to and benefited by such improvement, according and in proportion to the benefits of said improvement to said property, or according to the frontage thereof, and for the purpose of such assessment may designate and describe districts in which such improvement shall be made, and may provide by ordinance the manner of doing the same, and for assessing the costs and expenses thereof:

Special assess-  
ment.

*Provided, however,* That no such improvement shall be made without the concurring vote of two-thirds of all the aldermen elect. Whenever the common council shall deem any of the above named improvements necessary they shall so declare by resolution, which resolution shall set forth the kind and extent of such public improvement, and the necessity therefor, the manner of making the same and the method of paying the same, whether in whole or in part by general or special assessment, whether upon abutting property or upon an assessment district; and if the cost thereof is to be defrayed by a special assessment, in whole or in part upon property abutting upon the street where such improvement is to be made, the common council shall, except in those cases where otherwise provided in this charter, by resolution designate the frontage, description and extent of all the property to be assessed therefor, and the manner of assessment, and if the cost of any such improvement, or any part thereof, is to be assessed upon an assessment district, the council shall prescribe and designate the said district, and each parcel of the real estate upon which the assessment is to be made.

A vote of two-  
thirds of the  
aldermen elect  
required to  
authorize such  
improvement.

At a subsequent meeting not less than one week after the passage of such resolution the common council may direct the board of public works, or other proper officers, to make estimates, or receive [proposals] personals for the making of such public improvements, and the cost thereof in whole or in part as said council may direct, and when said council shall have ascertained such cost, as near as may be, it shall by resolution fix and declare the cost thereof as near as may be, and order an assessment therefor. Whenever any such public improvement shall be ordered by the said common council, and the amount, method or manner of paying therefor be determined, and the taxing district established as herein provided, the city recorder, except in those cases where other-

Property abut-  
ting upon the  
street.

Proposals for  
the making of  
such public  
improvements.

wise provided in this charter, shall deliver to the supervisor certified copies of such resolutions and orders, and the said supervisor or the assessors of said city shall thereupon make and return an assessment therefor to the said common council duly certified and signed by the officer making the same. And thereupon said assessment shall be certified under seal by the recorder of said city and reported to the council at its next meeting. The said common council shall thereupon give notice to all persons assessed, either by personal notice or by advertising in some newspaper in said city, of the time when the said council will hear appeals from the said assessment: *Provided*. That not less than one week's personal notice, or by publication at least three days in some newspaper shall be required. Proof of such service or notice shall be filed in the usual form. At the time so appointed the common council shall hear and consider all objections made by any person assessed, or by any property owner affected thereby, and may review and correct such assessment as they may deem just and necessary as to each or all the persons named thereon, and the property affected thereby. The said common council may thereafter confirm such assessment, all, any and every part thereof, or it may reject the same and order a new assessment to be made, but no such assessment shall be confirmed unless by a two-thirds vote of all the aldermen elect. From and after the confirming of all special assessments made under this charter as in this charter provided, the same shall be and become a debt due to said city, a charge against the person assessed and a lien upon the property assessed and upon each and every portion, part and description thereof, and such debt, charge or lien shall continue and remain in full force, together with all interest and charges thereon, and all costs for collection, advertising and sale thereof until all such taxes, charges, interest and expenses are fully paid. The common council may, by ordinance, authorize and direct the city treasurer to collect all special assessments, with the costs and charges for making the same in the same manner and with the same powers and remedies as are or may be prescribed by law for the collection of other city taxes. It may provide the time when payable, and the time and manner of their return by the treasurer, and any tax so returned may be placed on the next annual tax roll of the city against the proper person and description of property, and treated, collected, and returned, advertised and sold as for other city taxes levied by the common council. The common council may, in its discretion, require any such assessment to be paid or collected before the performance of the work or improvement for which an assessment is ordered. In case of paving streets or constructing sewers, the council may, in its discretion, by proper resolution, make such assessment payable in equal annual installments, and may divide the same assessed upon each and every person or description of over a period not to exceed in all the term of three no such assessment shall be so divided unless upon of persons representing not less than one-half the

Notice to persons assessed.

Proviso.

Council may confirm special assessment.

To become a lien upon property assessed.

Common council may by ordinance authorize city treasurer to collect special assessments.

Provide time when payable and time and manner of return.

Tax returned may be placed on next annual tax roll.

Common council may require assessment to be paid or collected before performance of the work.

In case of paving streets or constructing sewers may make assessment payable in equal annual installments.



as assessed, and such taxpayers shall consent to pay interest upon all the amounts so deferred, at the rate of six per cent per annum, which shall be added to the deferred tax: *Provided*, Any person desiring to do so may pay the whole tax due upon any assessment roll at any time. In case there shall be a deficit in any assessment for any such public improvement, the common council shall have power to make such new and additional assessment as may be necessary as herein provided, and in case there shall be any surplus assessed and collected for any such public improvement, after defraying all the expenses thereof, such surplus shall be returned to the persons paying the same in proper proportion by direction of the common council. All proceedings had, and all taxes levied, and all liens acquired by the city under this section prior to this amendment shall remain, and continue in force and effect as heretofore provided. At the time of appointing members of the board of public works, the mayor shall, with the approval of a majority of all the aldermen elect, appoint two good and discreet freeholders of said city to be assessors of said city. Each assessor shall hold office for one year, and until his successor is appointed and qualified. The assessors shall each take the oath of office required of other city officers, and shall each give a bond in the penal sum of five hundred dollars for the faithful performance of his duties, with sureties to be approved by the mayor. One of said assessors, to be designated by the mayor, shall be *ex officio* a member of the board of supervisors of the county of Calhoun, and such assessor shall receive for each day's service for the city such compensation as the council may determine. All the assessments made under the authority of this charter and the ordinances and resolutions passed in pursuance thereof, or by the common council, shall be made by the supervisor, except as in this charter otherwise specially provided. The assessors shall do and perform such work as the supervisor may direct, and render him such assistance as he may require and the common council may direct.

When common council to make new and additional assessment.

Assessors to be appointed.

Term of office of.  
Oath and bond.

*Ex officio* member of board of supervisors of county of Calhoun.  
Compensation of to be fixed by common council.  
Assessments to be made by the supervisor.

Assessors to assist supervisor.

SEC. 2. One new section shall be added to said act to stand as section ninety-seven, and to read as follows:

Section added.

SEC. 97. Whenever any special assessment heretofore or hereafter made shall, in the opinion of the common council, be invalid by reason of any irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the common council shall, whether the improvement has been made or not, or whether any part of the assessment has been paid or not, have power to cause a new assessment to be made for the same purposes for which the former assessment was made. All the proceedings for such reassessment and for the collection thereof shall be conducted as near as may be in the same manner as provided for the original assessment; and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made

Whenever any special assessment shall be invalid, common council shall have power to cause a new assessment to be made.

Proceedings for such reassessment.

shall be applied upon the reassessment on said premises and the reassessment shall to that extent be deemed satisfied.

This act is ordered to take immediate effect.

Approved May 17, 1895.

[ No. 419. ]

AN ACT to exempt the county of Marquette from the provisions of act number one hundred forty-nine, session laws of eighteen hundred ninety-three, entitled "An act to provide for a county and township system of roads and to prescribe the powers and duties of the officers having the charge thereof."

County of Marquette exempt from the provisions of act No. 149, session laws of 1893.

SECTION 1. *The People of the State of Michigan enact,* That act number one hundred forty-nine of the public acts of eighteen hundred ninety-three, entitled "An act to provide for a county and township system of roads and to prescribe the powers and duties of officers having the charge thereof," approved May twenty-sixth, eighteen hundred ninety-three, be and the same is hereby repealed as to any operation it might or could have in the county of Marquette, and said act shall have no force or effect in said county of Marquette.

This act is ordered to take immediate effect.

Approved May 18, 1895.

[ No. 420. ]

AN ACT to amend sections eight, nine and twenty-three of an act entitled "An act to authorize a board of public works in and for the city of Grand Rapids," approved March twenty-second, eighteen hundred seventy-three, as amended by the several acts amendatory thereof.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That sections eight, nine and twenty-three of an act entitled "An act to authorize a board of public works in and for the city of Grand Rapids," approved March twenty-second, eighteen hundred seventy-three, as amended by the several acts amendatory thereof, be and the same are hereby amended so as to read as follows:

Board of public works to designate kind and quality of material to be used in public improvement.

SEC. 8. Whenever the common council shall by resolution declare any public work in said city a necessary public improvement, or shall order the construction of any public work which is to be done by or under the control, direction or supervision of the board of public works, it shall be the duty of said board, and said board is hereby authorized and empow-

ered to determine and designate the kind and quality of all materials to be used in the construction of such work: *Provided*, That if the owners of a majority of all property on any street, lane or highway, or designated portion thereof proposed to be improved, residing in the city of Grand Rapids, shall, in and by their petition to the common council for such improvement, designate the character of such improvement, and such improvement shall be ordered by the council as designated in said petition, then it shall be the duty of said board to substantially follow such designation. When the board shall have determined and designated the kind and quality of all materials to be used in the construction of such work, the said board shall estimate the probable cost and expense of such work and of the materials to be used in detail, and cause to be prepared, so far as necessary, plans and specifications for such work, and report their estimate to the common council as a basis for assessing or otherwise raising, according to law, the funds necessary to enable the board to go forward and complete such work.

*Proviso.*

Board to estimate cost of work, material to be used in detail, plans and specifications.

SEC. 9. The paving, grading, graveling, planking or covering with other materials of all streets, highways, alleys, lanes, sidewalks and other public places, the building and construction of all sewers, drains, culverts, arches and bridges, wells and reservoirs, and the erection of public buildings and works, which the common council shall by resolution declare to be necessary improvements, shall be done under the direction and supervision of the board of public works, and upon contracts, and under plans and specifications to be prepared by the city surveyor, and approved by such board; and all moneys raised or appropriated by the common council for such purposes, shall be expended by said board of public works for the purposes designed so far as shall be necessary, and to be drawn from time to time from the appropriate fund, by order of the council, upon estimates of amounts earned or payable, to be made by the board and reported to the council in accordance with such contract, and no money shall be drawn from the city treasury under this act, except upon the order of the common council; all contracts prepared in accordance with this section, or any section of this act, or the act of which this act is amendatory shall be first submitted to the common council of said city for approval, before the adoption and execution thereof, and the said council shall have power to reject said contracts if it shall see fit to do so. The construction of private driveways from the gutter to the street line in any street which shall have been improved, or which has been or may be ordered to be improved, shall be done under the direction of and in accordance with plans adopted by said board of public works.

All building and improvements shall be done under the direction and supervision of the board of public works.

All moneys raised or appropriated for such purpose shall be expended by the board for the purpose designated.

All contracts to be submitted to common council for approval.

Construction of private driveways.

SEC. 23. Said board shall, in its discretion, have power to repair, extend and improve the main and distributing pipes in said city, and all other parts of the water-works of said city connected therewith, and may also provide an additional supply of water as the same shall be needed, whenever means are

Power of board to extend and improve water-works, and provide an additional supply of water.

When board shall deem such work necessary it shall communicate such determination to the council. Council authorized to borrow money to defray expense of such work.

May issue bonds.

Provided,

When water-works shall be injured or impaired by accident or otherwise, board to repair or reconstruct.

provided for that purpose. Whenever said board shall deem such work necessary, it shall communicate such determination to the common council, with its reasons therefor, and a general plan of the work proposed, with an estimate of the cost thereof, whereupon the common council of said city is hereby authorized to borrow on the faith of said city such sum of money for the purpose of defraying the expense of such work as it may deem expedient, not exceeding such estimate, for a term of not exceeding twenty years, at a rate of interest not exceeding six per cent per annum; and for such purpose may issue the bonds of the city, signed by the mayor and countersigned by the comptroller, and in such forms and sums as the common council may direct, and such bonds shall be disposed of under the direction of the common council or the mayor of said city, upon such terms as may be deemed advisable, but not for less than the par value thereof and the avails shall be applied to the purpose aforesaid, and to no other purpose: *Provided*, That nothing in this act contained shall be so construed as to authorize the incurring of any bonded indebtedness against said city of Grand Rapids for the purpose aforesaid, unless the qualified electors of said city, voting in their respective wards, shall have authorized the issuing of said bonds by a majority of their votes, cast at any regular election or at a special election called for the purpose of voting upon that question. Whenever the water-works or other works under the control and supervision of the board of public works shall be injured or impaired, by accident or otherwise, said board shall have the power, by and with the written consent of the mayor, to repair or reconstruct said work, by contract or otherwise when in the opinion of said board such repair or reconstruction is immediately necessary, and the interest of the city will be jeopardized by delay; and in case said board shall repair or reconstruct any work, as aforesaid, said board shall without delay make full report to said common council of the nature and extent of such repair or reconstruction, with a detailed statement of the cost thereof, and thereupon it shall be the duty of the common council to provide the means to meet the cost thereof in the manner provided by law.

This act is ordered to take immediate effect.

Approved May 18, 1895.

[ No. 421. ]

AN ACT to amend section nine of an act entitled "An act to provide for the management of cemeteries owned and to be owned by the city of Grand Rapids," approved May eighteenth, eighteen hundred and eighty-three.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section nine of an act entitled "An act to provide for the

management of cemeteries owned and to be owned by the city of Grand Rapids," approved May eighteenth, eighteen hundred and eighty-three, be and the same is hereby amended so as to read as follows:

SEC. 9. The commissioners aforesaid shall pay to the city treasurer and the city treasurer shall receive all moneys from the sale of lots and other sources and also all penalties collected for violations of city ordinances relating to cemeteries, and shall pay all expenses incurred by the board of cemetery commissioners upon orders drawn upon him signed by two or more commissioners. And all expenses incurred by said board shall be passed upon by said board and certified to and filed with the city comptroller, and take the same course as all other claims against the city of Grand Rapids, as provided in sections eight, eleven and twenty-six of title four of the charter of said city.

Money to be paid city treasurer.

This act is ordered to take immediate effect.

Approved May 18, 1895.

[ No. 422. ]

AN ACT to authorize the board of supervisors of Kent county to fix the compensation of members of committees of said board in certain cases.

SECTION 1. *The People of the State of Michigan enact,* That the board of supervisors of the county of Kent are hereby authorized to fix the compensation of members of a committee on finance and a committee on public buildings at not to exceed the sum of three dollars per day for the time actually and necessarily employed by such members of committees while discharging the duties of any such committee: *Provided,* That nothing herein contained shall be construed to authorize the payment to members of committees of such board any compensation for their services as members of any such committee while said board of supervisors shall be in session; nor shall any member of any committee be entitled to payment under the provisions of this act for more than fifteen days service any one year as member of such committee, nor shall any committee the members of which may be entitled to compensation under this act consist of more than three members.

Board of supervisors to fix compensation of members of committee on finance and public buildings.

Proviso.

This act is ordered to take immediate effect.

Approved May 18, 1895.

[ No. 423. ]

AN ACT providing for holding caucuses in election precinct number two of L'Anse township, Baraga county.

Delegates to be apportioned between two precincts.

Caucuses to be held on the same day.

SECTION 1. *The People of the State of Michigan enact,* That when any county convention for Baraga county is called by any political party, the delegates apportioned to L'Anse township for said convention, shall be apportioned by the committee of L'Anse township of the respective parties, between election precinct number one and election precinct number two in proportion to the vote cast by each election precinct at the last general election for Governor, the caucuses to be held in each election precinct on the same day and the credentials of the delegates elected at each election precinct to be signed by the chairman and secretary of the respective caucuses.

This act is ordered to take immediate effect.

Approved May 18, 1895.

[ No. 424. ]

AN ACT to incorporate the city of Traverse City, in the county of Grand Traverse, and to repeal all acts and parts of acts in conflict therewith.

## TITLE I.

### CITY BOUNDARIES AND INCORPORATION.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact,* That all of the township of Traverse, including the village of Traverse City, in the county of Grand Traverse, as is included in the following description, to wit: All of fractional sections one, two and three; the east half of fractional section four and the southeast fractional quarter of the northwest fractional quarter of section four; the east half of fractional section nine; all of fractional sections ten, eleven and twelve, all in township twenty-seven north, of range eleven west; also lot one and lot two in section six in township twenty-seven north of range ten west, be and the same is hereby constituted and declared to be a city by the name of the city of Traverse City, by which it shall hereafter be known. And the said city shall have and enjoy full jurisdiction over the waters of the Grand Traverse bays, the entire length of the water frontage of said corporate limits, for one statute mile from the shore line of said waters, far enough to embrace all docks, wharfs, boat houses or other structures, and boats, floats and vessels at rest and at anchor, for all proper sanitary, quarantine, police and municipal purposes within such limits.

SEC. 2. The inhabitants of said city shall be and continue Body politic. a body corporate and politic, to be known and distinguished by the name and title of the city of Traverse City, and shall be and are hereby made capable of suing and being sued in all courts of law and equity, and in all places whatsoever, and may have a common seal, which they may alter and change at pleasure, and by the same name shall be and are hereby made capable to contract and be contracted with, and of purchasing, holding, conveying and disposing of any real and personal estate for said city.

SEC. 3. All rights and property of every kind and descrip- Property rights. tion which were vested in said village of Traverse City and township of Traverse, and lying within said territory, shall be deemed to be vested in, and held by the corporation created by this act, and no rights or liabilities either in favor of or against such former corporations existing at the time of the passage of this act, and no suit or prosecution of any kind shall be affected by the passage of this act, but the same shall stand and progress as if no such change had been made, and all the debts and liabilities of the former corporations shall be deemed to be the debts and liabilities of the new corporation, and all taxes levied and uncollected at the time of the passage of this act shall be collected as if this act had not been passed: *Pro-* Provido. *vided*, That when a different remedy is given by this act the same shall be deemed accumulative to the remedies heretofore provided and may be used accordingly.

## TITLE II.

### WARDS AND THEIR BOUNDARIES.

SECTION 1. The said city shall, for the time being, be Wards and their boundaries. divided into five wards, with their several boundaries established as follows:

*First*, Commencing at the intersection of the south and west First ward. lines of section eleven, located in Boardman lake, in township twenty-seven north of range eleven west; thence east on the south section line of section eleven to the center of the right of way of the Traverse City railroad; thence northerly along the center of the said right of way to a point where said railroad crosses the Boardman river, near its mouth; thence up and along the center of said Boardman river and Boardman lake to the place of starting, shall constitute the first ward;

*Second*, Commencing at the intersection of the county line Second ward. between Leelanau and Grand Traverse counties with West Grand Traverse bay; thence west on the said county line to the north quarter post of section four, town twenty-seven north of range eleven west; thence south on the said quarter line to the northwest corner of the southwest quarter of the northeast fractional quarter of said section four; thence westerly on the said eighth line to the northwest corner of the southeast quarter of the northwest fractional quarter of said

section four; thence southerly on said eighth line to the southwest corner of said subdivision; thence easterly along the quarter line to the center of said section four; thence south on the quarter line to the south line of said section four; thence easterly along the said section line to section corners three, four, nine and ten in township twenty-seven north of range eleven west; thence north on said section line, or the center of Division street, to the intersection of the center of Fifth street; thence easterly along the center of said Fifth street to a point in the center of Boardman river; thence down the center of said Boardman river to its mouth at a point where it empties into Grand Traverse bay; thence westerly along the shore line of said bay to the place of beginning, shall constitute the second ward;

Third ward.

*Third.* Commencing at section corners three, four, nine and ten in township twenty-seven north of range eleven west; thence west on the section line to the quarter post between sections four and nine; thence southerly on the quarter line to the south line of said section nine; thence easterly on the south line of said sections nine and ten to the point of intersection of said section line and the center of Union street as prolonged; thence northerly along said line and the center of Union street to a point in the center of Boardman river; thence down the center of said river to the intersection of, or in direct line with, Fifth street; thence westerly along the center of said Fifth street to the intersection of Fifth street and Division street; thence southerly along the center of Division street to the place of beginning, shall constitute the third ward;

Fourth ward.

*Fourth.* Commencing at the intersection of the south and east lines of section ten, located in Boardman lake; thence northerly and northwesterly down the center of said lake and Boardman river to the point of intersection of said river and the center of Union street; thence southerly along the center of Union street and the prolongation, to the south line of section ten in township twenty-seven north of range eleven west; thence easterly on the said section line to the place of beginning, shall constitute the fourth ward;

Fifth ward.

*Fifth.* All of fractional section one; and all of fractional sections two and eleven lying east of the center of the right of way of the Traverse City railroad; and all of fractional section twelve, all in township twenty-seven north of range eleven west; also lot one and lot two in section six in township twenty-seven north of range ten west, shall constitute the fifth ward.

Proviso.

SEC. 2. *Provided,* That all of the territory described in section one of this title as embracing the water of Grand Traverse bay, and defined as belonging within the limits of said city, shall, for the purpose of assessment and levy of taxes, be defined as belonging as follows: All the water lying adjacent to and north of the territory described as being in the second ward, shall belong to said second ward. And all the water lying adjacent to and north and east of the territory

Water designated as belonging to the several wards.  
Second ward.



described as being in the fifth ward, shall belong to said fifth ward, and said city shall enjoy the same jurisdiction for all municipal purposes in all respects, as over the territory herein specifically described. Fifth ward.

### TITLE III.

#### ELECTORS AND REGISTRATION.

SECTION 1. The inhabitants of said city having the qualifications of electors under the constitution of this State, and no others thereof, shall be electors therein. Who to be electors.

SEC. 2. Every elector shall vote in the ward where he shall have resided during the ten days next preceding the day of election. The residence of an elector not being a householder shall be deemed to be in the ward in which he boards and takes his regular meals. Where elector shall vote. Residence of elector.

SEC. 3. The board of election of each ward hereafter provided for, shall constitute the board of registration therein. If by reason of a change of boundary of any ward, or other cause, there shall not be a sufficient number to constitute a board of registration of three persons, the council shall supply the vacancy or appoint a board of registration for said ward. Who to constitute the board of registration.

SEC. 4. When changes shall be made in any ward or wards, the boards of registration of the respective wards affected by the change shall meet previous to the time prescribed for giving notice of their sessions, previous to the next election, and the name of each registered voter known to have been transferred by such change from one ward to another, shall be copied into the register of the ward to which the transfer was made, and shall be stricken from the ward register of the ward from which the elector was transferred by the change. When board to meet in the change of ward boundaries.

SEC. 5. The boards of registration of said city, as hereinafter provided, shall, at their sessions previous to the general city elections in April, in the year eighteen hundred and ninety-five, or at such other time as the council of the village of Traverse City shall direct, make a registration of the qualified electors of their respective wards in books of the form provided by law, and at their sessions previous to any and every general and special election thereafter. When such new registry shall be made, the former registry of electors shall not be used nor shall any person vote at any election in such ward after such reregistration, unless his name shall be registered in such new register. Notice that such reregistration is required to be made shall be given with a notice of the meeting or the session of the board at which it is made: *Provided*, That at the first election to be held in said city, no person shall be excluded in the wards in which he shall have resided for ten days next preceding the election, for the sole reason that he is not properly registered, in case he is properly registered in the township of Traverse: *Provided further*, That a like reregistration of the electors of each ward in said city shall be made Registration of electors, when made. Proviso. Further proviso.

at the session of said board next preceding the general State election, in the year eighteen hundred and ninety-six, and every fourth year thereafter.

#### TITLE IV.

##### ELECTION AND APPOINTMENTS.

First annual election.

SECTION 1. The first annual election to be held under this act shall be held in each of the several wards, at such places as said inspectors herein named shall direct, on the first Monday of April, eighteen hundred and ninety-five. The board of registration and inspectors of election for the several wards shall be as follows:

Board of registration and inspectors, first ward.  
Second ward.

In the first ward, O. P. Carver, chairman; S. M. Brown, J. Verly, inspectors;

Third ward.

In the second ward, S. C. Darrow, chairman; E. C. Stiles, J. E. Nelson, inspectors;

Fourth ward.

In the third ward, S. C. Despres, chairman; Q. E. Boughey, Chas. Beers, inspectors;

Fifth ward.

In the fourth ward, Wm. Londen, chairman; C. D. Kenyon, E. H. Pope, inspectors;

In the fifth ward, A. W. Black, chairman; E. C. Hogan, Riley Porter, inspectors;

Oath to be taken.

Who shall appoint in their respective wards two persons to act as clerks of election, and in case of the absence of one or more of such inspectors, the electors may choose, *viva voce*, from their number, one or more to fill such vacancies. Such inspectors and clerks shall take an oath or affirmation, to be administered by some person duly authorized by law to administer oaths, faithfully and honestly, to discharge the duties required of him as inspector or clerk of such election, and they shall certify the result to the common council of the village of Traverse City in the same manner as hereinafter required for certifying the result of subsequent elections, held under this charter, to the council of the city, and the common council of the village shall canvass the votes, and determine and certify the result in the same manner that the council of the city may do in subsequent elections held under this act, and with like effect.

Elections.

City officers, terms of.

SEC. 2. At the first election held in said city, and at each annual city election thereafter, there shall be elected on the city ticket, by the qualified voters of the whole city, viz.: A mayor, city clerk and a city treasurer, for one year each; three school inspectors, one for one year, one for two years and one for three years; five members of the board of public works, one for one year, two for two years and two for three years; four justices of the peace, one for one year, one for two years, one for three years and one for four years; and one judge of the recorder's court for a term of four years; and at each annual city election thereafter there shall be elected one school inspector for three years, one or more members of the board of

public works for a term of three years, and one justice of the peace for four years, and at each fourth annual election thereafter there shall be elected one judge of the recorder's court for the term of four years.

SEC. 3. At the first election held in said city, and at each annual city election thereafter, there shall be elected on the ward ticket in each ward, viz.: A supervisor, for one year; two aldermen, and two inspectors of election, and two members of the board of education, one each for one year, and one each for two years, and at each annual city election thereafter there shall be elected one alderman and one inspector of election and one member of the board of education for two years; one constable, for one year. Ward officers.

SEC. 4. An election shall be held in each ward annually, on the first Monday in April, at such place as the council shall appoint, and the city clerk shall cause printed notices of the holding of such election to be posted at least six days previous thereto, in three of the most public places in each ward. Annual election.  
Notice of.

SEC. 5. The council may order special elections to be held, in which case the city clerk shall, twenty days previous thereto, deliver to the inspectors of election in the ward or wards where such special election is to be held, a notice specifying the officers to be chosen, the object or question to be voted upon, and the day and place at which such election will be held, and he shall, at least once before the day of such special election, publish said notice in one of the newspapers of the city. Council may order special elections.

SEC. 6. Such annual or special election shall be held and conducted in the manner provided by the laws of this State for holding general elections, except as is by this act otherwise provided. Manner of conducting elections.

SEC. 7. The council shall provide suitable ballot boxes for each ward, with locks and keys, in which to deposit the ballots offered at any election. At any election for city officers, the city and ward tickets shall be deposited in separate boxes. When the elector delivers his ballot, there shall appear on the outside of the box containing the city ticket, the word "city," and on the outside of the one containing the ward ticket, the word "ward," and the inspector shall deposit the ballot in the proper box. Ballot boxes.

SEC. 8. On the day of any election held by authority of this act, the polls shall be opened in each ward at the several places designated by the council at eight o'clock in the morning and shall be kept open until five o'clock in the afternoon, at which time they shall be finally closed. Opening and closing of polls.

SEC. 9. The supervisor and the two inspectors of election of each ward shall constitute the board of election thereof. If by reason of a change in the boundaries of existing wards, or for any other reason, there shall not be a sufficient number of the officers last named in any ward to make a board of three inspectors, the qualified electors present at the opening of said polls shall choose, *viva voce*, a sufficient number of qualified electors of said ward as, with the members present, shall con-

	stitute a board of three in number, and such electors so chosen shall constitute such election board at that election.
Chairman and clerks of board.	SEC. 10. The supervisor of said ward shall be chairman of the election board. Each of the said inspectors of election may appoint one person to be his clerk at said election, and the person appointed, and each person chosen or appointed as an inspector of election shall take the constitutional oath, which oath, either the supervisor, or any inspector of election, may administer.
Jurisdiction of board.	SEC. 11. The board of election, as provided for in this act, shall be the election board of the State, county and district elections in their respective wards.
Ballot, form of.	SEC. 12. The ballots used at said election and all proceedings thereat, shall conform to and be conducted in accordance with the general laws of this State relative to city and municipal elections.
Ballot for vacancy to be filled, how designated.	SEC. 13. If at any election any vacancies are to be filled in any office, or if any person is to be elected for less than a full term for the office, the term for which any person is voted to fill the same shall be plainly designated on the ballot.
Canvass of votes.	SEC. 14. Immediately after the closing of the polls, the inspectors of election shall, without adjournment, publicly canvass the votes received by them, according to law, and declare the result, and shall, on the same or the next day, make a certificate stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election or on the next day, with the clerk of the city.
Make a certificate.	
Meeting of council to determine result of election.	SEC. 15. The council shall convene on Tuesday next succeeding each election, at the usual place of meeting, and determine the result of election on each question and proposition voted upon, and what persons were duly elected at the said election to the several offices, respectively; and thereupon the city clerk shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices, respectively, one of which certificates he shall file in the office of the county clerk, and the other shall be filed in the office of the city clerk.
Who deemed elected.	SEC. 16. The person receiving the greatest number of votes for any office in said city or ward shall be deemed to have been duly elected to such office; but, if two or more persons shall receive an equal number of votes for any office, the council shall appoint a day, if the candidates be not then present, for the appearance before them of all such persons, for the purpose of determining, by lot, the right to such office, and shall cause notice thereof to be given to all such persons interested. At the time appointed such persons shall draw lots for such office before the council in the same manner, as near as may be, as is prescribed by law for the drawing of lots by candidates for members of the legislature, and the person successful in the lot shall be declared duly elected.
In case of a tie.	

SEC. 17. When a vacancy occurs in any elective office, it shall be optional with the council to order a special election or not, as they shall deem expedient: *Provided*, That all vacancies in elective offices may be supplied by appointment by the mayor until an election is had for such purpose.

Special election to fill vacancy.

SEC. 18. It shall be the duty of the clerk of said city, as soon as practicable, and within three days after the election or appointment of any officer or officers, to notify such officers respectively of their election or appointment; and the said officers, so notified as aforesaid, shall, within ten days after such notice, take the oath of office prescribed by the constitution of this State, before some officer authorized by law to administer oaths, and file the same, together with his official bond, if any be required, in the clerk's office of said city.

City clerk to notify officers of election or appointment.

Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the city clerk shall report in writing to the council the names of the persons elected or appointed to any office, who shall have neglected to file such oath and requisite bond or security for the performance of the duties of the office.

Officers to take oath.

City clerk to report to council those failing to take oath and file bond.

SEC. 19. On the first Monday in May of each year, or as soon thereafter as may be, the mayor shall place in nomination and the council may approve the same, one city attorney, one city engineer, one city marshal, one city electrician, one fire chief, one or more poundmasters, inspectors of wood, weighmasters and auctioneers, and one director of the poor, and such other officers as may be necessary to carry into effect the powers granted by this act; who shall hold their office for one year or a longer time when not inconsistent with this act.

What officers to be appointed.

There shall also be appointed one health officer, who shall be a practicing physician, for a term of one year, also a board of building inspectors, who shall be competent mechanics, builders or architects, also a board of library trustees, each composed of three members, one for a term of one year, one for a term of two years and one for a term of three years, and each year thereafter one member for each board for a term of three years. No person shall be appointed to any office by the council except by a majority vote of all members of the council elect; and the council may by ordinance prescribe the duty of all officers in addition to those defined in this act.

Term of office.

Whenever any officer appointed by the provisions of this act shall from any cause be unable to perform the duties of his office, the council shall have the power to appoint an officer who shall perform the duties of the office until such inability shall cease: *Provided, however*, That any person holding the office of sheriff, under sheriff, deputy sheriff, or jailer, shall not be eligible to the said office of city marshal in said city.

No person to be appointed to office except by majority vote of council.

Inability to hold office, power of council.

Proviso.

SEC. 20. If any person elected or appointed under this title shall not take and prescribe the oath of office, and file the same as therein directed, or shall not cause a notice of acceptance to be filed as therein directed, or if required by the council to execute an official bond, or undertaking, shall neglect to

Failure of appointee to file oath of office.

Bond.

execute and file the same, in the manner and within the time prescribed by the council, such neglect shall be deemed a refusal to serve, unless, before any step is taken to fill any such office, by another incumbent, such oath shall be taken, such acceptance be signified, and such bond executed and filed as aforesaid.

Outgoing officers to deliver papers, etc., to successor.

Violation a misdemeanor.

In case of vacancy, duty of council.

Term, if office is appointive.

If elective.

Idem.

Who eligible to office.

What vacates office.

SEC. 21. Whenever any officer shall resign or be removed from office, before the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office, all the books, papers, moneys and effects in his custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor and may be proceeded against in the same manner as public officers generally for the like offense under the general laws of this State now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of this State.

SEC. 22. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, the council may, in their discretion, fill such vacancy by the appointment of a suitable person; and any officer appointed to fill a vacancy, if the office is elective, shall hold, by virtue of such appointment, only until the first Monday of May next succeeding; if an elective office which shall have become vacant was one of that class whose term of office continued after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

SEC. 23. Any person elected or appointed to any office under this act, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed and qualified; and when a person is elected to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified.

SEC. 24. No person shall be eligible to any office unless he shall then be an elector and resident of said city: *Provided*, That the judge of the recorder's court shall be a qualified elector and resident freeholder of said city, and an attorney and counselor at law, entitled to practice in all courts of this State. Nor shall he be eligible to any office for any ward or district unless he shall then be an elector and resident of such ward or district; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city, or to any board of officers thereof, or to any school district, county or other municipal corporation of the State. All votes for, or any appointment of, any such defaulter shall be void.

SEC. 25. If any officer shall be a defaulter or shall cease to be a resident of the city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated.

SEC. 26. Resignations by any officer, authorized to be chosen or appointed by this act, shall be made to the council, subject to their approval and acceptance: *Provided*, The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

Resignation to be made to council.  
Proviso.

SEC. 27. The expense of any election held, as provided by this act, or by the laws of this State, shall be a city charge, and shall be paid for from the contingent fund.

Expenses of election, how paid.

SEC. 28. All officers, as hereinbefore provided, shall enter upon the duties of their respective offices on the first Monday of May next following such election, unless otherwise herein provided.

When term of office begins.

SEC. 29. In case the said first election shall not be held at the time designated in this act, the election for the first officers of the proposed municipality may be had at any time within one year from the time designated in this act, notice being given by posting notices thereof in at least three conspicuous places in each ward ten days before election, by the board of inspectors of election designated by this act.

When first election may be held.

## TITLE V.

### POWERS AND DUTIES OF THE COUNCIL.

SECTION 1. The legislative authority of said city shall be vested in a council consisting of the mayor and two aldermen elected from each ward, and the city clerk.

The council.

SEC. 2. The mayor shall be president of the council and preside at the meetings thereof, but shall have no vote therein except in case of a tie, when he shall have the casting vote.

President of council.

SEC. 3. On the first Monday in May in each year the council shall appoint one of their number president *pro tempore* of the council, who, in the absence of the president, or should a vacancy occur, shall preside at the meetings thereof and exercise the powers and duties of the president. He shall have a vote on all questions. In the absence of the president and president *pro tempore* the council shall appoint one of their number to preside, and for the time being he shall exercise the powers and duties of the president *pro tem*.

President pro tem.

SEC. 4. The city clerk shall be clerk of the council, but shall have no vote therein. He shall keep a full record of all the proceedings of the council and perform such other duties relating to his office as the council may direct. In the absence of the city clerk the council shall appoint one of their number to perform the duties of his office for the time being.

Clerk.

SEC. 5. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon.

Attendance of aldermen required.

Appointment  
of committees.

SEC. 6. The council may provide by ordinance for standing committees of its members, or special committees, who shall perform such duties, investigate, have charge of, and report on such matters as may be properly referred to them. Such committees shall be appointed by the mayor.

Council judge  
of election of  
its own mem-  
bers.  
Regular meet-  
ings.  
Special meet-  
ings.

SEC. 7. The council shall be judge of election returns, and qualifications of its own members. It shall hold regular stated meetings for the transaction of business at such times and places within the city as it shall prescribe, not less than two of which shall be held in each month. The mayor, or any three members of the council, may appoint special meetings thereof, notice of which, in writing, shall be given to each alderman, or be left at his place of residence, at least twelve hours before the meeting.

Sessions to be  
public.

Quorum.

SEC. 8. All meetings and sessions of the council shall be public, except when the public interests shall, in their opinion require secrecy. A majority of the aldermen elect shall constitute a quorum for the transaction of business; a less number shall adjourn from time to time, and may compel the attendance of absent members in such manner as they shall direct. But no office shall be created or abolished, nor any tax nor assessment be imposed, nor contract approved, nor franchise granted, street, alley or public ground vacated, real estate or any interest therein acquired, sold or disposed of, nor private property be taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated, except by ordinance, resolution or vote of the council; nor shall any resolution or ordinance be passed or adopted, except by a majority vote of all the aldermen elected, except as herein otherwise provided.

When two-thirds  
vote required.

Appropriation  
of money.

Record of pro-  
ceedings.  
Votes by "yeas"  
and "nays."

SEC. 9. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes on adoption of any resolution or ordinance, report of a committee, or other act for taxing or assessing the citizens of said city, or involving the appropriation of public moneys, shall be taken by "yeas" and "nays," and be entered upon the journal, so as to show the names of those voting in the affirmative and those in the negative; any member of the council shall have the right to demand the "yeas" and "nays" on any question, and all votes so taken shall be entered at large on the minutes, as herein provided, and within one week after any meeting of the council all proceedings and votes taken thereat shall be published in one of the newspapers of the city.

Proceedings to  
be published.

Compel attend-  
ance.

Misbehavior.

SEC. 10. The council may compel the attendance of its members and other officers of the city at its meetings, in such manner, and may enforce such fines for non-attendance as may by ordinance be prescribed, and may prescribe punishment for any misbehavior, contemptuous or disorderly conduct, by any member or any person present at any session of the council.



SEC. 11. The city attorney and all elective and appointive officers shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

City officers to have seats in council.

SEC. 12. The council, in addition to the powers and duties especially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings and all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the same as they shall deem proper and necessary.

Council to have control of finances.

SEC. 13. The council shall cause all the records of the corporation, and of all the proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers and papers, relating to the finances and affairs of the city, or to the official acts of any officer of the corporation, unless required by law to be kept elsewhere, to be deposited and kept in the office of the city clerk, when not otherwise inconsistent with this act, and to be so arranged, filed and kept, as to be convenient of access and inspection, and all such records, books and papers shall be subject to inspection by any inhabitant of the city, or other person interested therein, at all seasonable times, except such parts thereof as in the opinion of the council it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, alter or destroy any such books, records, documents or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of any part thereof from being known, shall, on conviction thereof, be punished by imprisonment in the State prison, not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

Where city records, etc., to be deposited.

To be open for inspection of public.

Penalty for destroying papers, etc.

SEC. 14. If a member of the council shall, during the period for which he was elected, be appointed to any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the council, he shall not be entitled to a vote upon the question of compensation in which he is interested, nor be bondsman or surety on any contract or bond given to said city, but this section shall not be construed to prevent the clerk from receiving any salary which may be fixed by the council, nor from holding any office under this act, nor to deprive any alderman of any emoluments or fees to which he may be entitled by virtue of such appointment.

Councilmen to hold no other office under city.

Not to be bondsmen.

SEC. 15. Any person appointed to office by the council by authority of this act may be removed therefrom by a vote of the majority of the council; and the council may expel any alderman, or remove from office any person elected thereto, by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, provisions shall be made, by ordinance, for preferring charges and trying the same; and no removal of

Removal from office.

Two-thirds vote required.

Removing of  
elective  
officer.  
Power of in-  
vestigation of  
charges.

an elective officer shall be made unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

SEC. 16. To enable the council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor, or any justice of the peace of the city, is empowered, at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers before the council or any committee thereof.

Presiding officer  
may adminis-  
ter oaths.

SEC. 17. Whenever the council or any committee of the members thereof authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or chairman of such committee for the time being, shall have power to administer the necessary oaths; and such council or committee shall have the same power to compel the witnesses to testify as is conferred on courts of justices of the peace.

May compel  
witnesses to  
testify.

Council to audit  
and allow ac-  
counts.

SEC. 18. The council shall examine, settle and allow all accounts and demands properly chargeable against the city, and shall have authority to provide means for the payment of the same, and for defraying contingent expenses of the city, subject only to the limitations and restrictions in this act contained.

Power of council  
to make ordi-  
nances for cer-  
tain purposes.

SEC. 19. The council shall have power within said city to enact, make, continue, establish, modify, amend and repeal said ordinances, by-laws and regulations as they may deem advisable within said city for the following purposes:

To restrain vice.

*First*, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporations or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

To punish  
drunkards.

*Second*, To apprehend and punish vagrants, drunkards, disorderly persons and common prostitutes;

To prevent and  
abate nuisances.

*Third*, To prevent injury or annoyance from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue or remove the same; and generally to determine and declare what shall be deemed nuisances;

To suppress dis-  
orderly houses.

*Fourth*, To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

To license bil-  
liard tables.

*Fifth*, To regulate, license or prohibit and suppress billiard tables, nine or ten pin alleys or tables, and ball alleys, and to punish the keepers thereof;

*Sixth*, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming; To prohibit gaming.

*Seventh*, To regulate, license or suppress ale, beer and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof and all persons assisting in To regulate saloons.

carrying on the business thereof, and to require all such places to be closed on Sunday and upon other days during such hours of every night as the council shall prescribe; and provide certain bounds and limits in the said city, such limit shall be within the limit patrolled by the police, within which the business of vending, selling, giving away or having for sale spirituous, vinous, malt or brewed liquors or any other intoxicating liquors or admixtures thereof shall be conducted and carried on, and may further prohibit the vending, selling, giving away, furnishing or having for sale, intoxicating liquors or admixtures thereof, except within the district and limits in said ordinance appointed and limited for the sale thereof, and may prescribe penalties for the violation of such ordinance as in this act limited and provided; Council to regulate bounds and limits of sale.

*Eighth*, To prohibit and prevent the selling or giving away of any spirituous, fermented and intoxicating liquors to any drunkard or intemperate person, minor or apprentice and to punish persons so doing; To prohibit sale of liquors to drunkards.

*Ninth*, To regulate, license restrain or prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature for which money or other reward is in any way demanded or received, lectures on historic, literary, moral or scientific subjects excepted; To regulate sports and exhibitions.

*Tenth*, To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose, and to require all places of business to be closed on the Sabbath day, commonly called Sunday; To prevent violations of Sabbath.

*Eleventh*, To license auctioneers and sales at auction, to regulate or prohibit the ringing of bells or the use of any other device to attract public attention for any auction sale; to regulate or prohibit the sale of goods, wares, property or anything at auction or by any manner of public bidding or offers by the buyers or sellers, after the manner of auction sales or Dutch auctions, and to license the same, and to regulate the fees to be paid by and to auctioneers; but no licenses shall be required in cases of sales required by law to be made at auction or public vendue; To license auctioneers.

*Twelfth*, To license hawkers, peddlers and pawnbrokers, and hawking and peddling; and to regulate, license or prohibit the sale of peddling of goods, wares, merchandise, refreshments or any kind of property or thing by going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device, in the streets or highways; To license hawkers.

*Thirteenth*, To require any horses, mules, or other animals attached to any vehicle or standing in any of the streets, lanes, Animals securely fastened.

alleys or public places in the city to be securely fastened, hitched, watched or held;

To license dogs. *Fourteenth*, To regulate, license or prohibit the running at large of dogs, to impose taxes on the owners of dogs, and to prevent dog fights;

To prohibit bringing into city or dead carcasses. *Fifteenth*, To prohibit any person from depositing within the limits of said city any dead carcass or unwholesome or offensive substances and to require the removal or destruction thereof. If any person shall have on his premises such substances, or any putrid meats, fish, hides or skins of any kind, and on his failing to remove the same, to authorize the removal or destruction thereof by some officer of the city;

Cruelty to animals. *Sixteenth*, To prohibit and prevent cruelty to animals and provide a penalty therefor and punish offenders;

To license chimney sweeps. *Seventeenth*, To appoint, license and regulate scavengers and chimney sweeps, fix their fees and compensation and prescribe their rights and duties;

To provide for inspection of meats, etc. *Eighteenth*, To provide for and regulate the inspection and sale of meats, poultry, fish, butter, cheese, lard, vegetables, flour and other provisions; to regulate the fees to be paid by butchers for licenses: *Provided*, That nothing herein contained shall authorize the council to restrict the sale of fresh and wholesome meats by the quarter within the limits of the city;

To regulate measuring and weighing. *Nineteenth*, To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay and any article of merchandise;

To provide for sealing of weights and measures. *Twentieth*, To provide for the inspection and sealing of weights and measures; and to enforce the keeping and use of proper weights and measures by venders;

To regulate wharf boats. *Twenty-first*, To license and regulate wharf boats within the jurisdiction of the city;

To prevent indecent pictures. *Twenty-second*, To prohibit and prevent in the street and elsewhere in said city, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings, books or pamphlets and all indecent or obscene exhibitions or shows of every kind;

Bathing. *Twenty-third*, To regulate or prohibit bathing in the bay, rivers, ponds, streams and waters of the city;

Council may enforce ordinances for prevention of fires. *Twenty-fourth*, To prohibit within such places or districts as they shall deem expedient, the location of shops, the prosecution of any trade or business, the keeping of lumber yards, and the storing of lumber, wood, or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils, and other combustible and explosive substances, and the use of lights in buildings, and generally may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires;

To license and regulate ferries. *Twenty-fifth*, To license, continue and regulate so many ferries upon the waters of Grand Traverse bay and Boardman lake and Boardman river for carrying and transporting per-

sons and property upon said bay, lake or river, in such manner as shall seem most conducive to the public good;

*Twenty-sixth*, To compel the owner or occupant of any grocery, tallow chandler shop, soap or candle factory, butcher shop or stall, slaughter house, stable, barn, privy, sewer or other offensive, nauseous or unwholesome place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of said city; To regulate chandler shops.

*Twenty-seventh*, To regulate the buying, selling and using of gunpowder, firecrackers and fireworks, and other combustible materials, and the exhibitions of fireworks, and the discharge of firearms, and to restrain and regulate the depositing of ashes and the making and lighting of fires in the streets and other places in the city; To regulate sale and use of gunpowder.

*Twenty-eighth*, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, private drain, sink or privy thereon; To regulate the construction of drains.

*Twenty-ninth*, To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants to affix numbers on the same; and to designate and change the names of public streets, alleys and parks; Buildings numbered.

*Thirtieth*, To prohibit, prevent and suppress all lotteries for the drawing or disposing of money or any other property whatever and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, directing or managing the same; To suppress lotteries.

*Thirty-first*, To license and regulate solicitors for passengers or baggage for any hotel, tavern, public house, boat or railroad, park or fair grounds; also draymen, truckmen, porters, runners, drivers of omnibuses and express vehicles, and vehicles of every description used or employed for hire, and to fix and regulate the amount and rates of their compensation; To license runners, draymen and drivers of public carriages.

*Thirty-second*, To provide for the protection and care of paupers, and to prohibit and prevent all persons bringing to the city from any other place, any pauper or other person likely to become a charge upon said city, and to punish therefor; and to return any such person so brought to the city to the place from whence he came or to which he properly belongs; and to provide for the employment of any such persons under such rules and regulations as they may consider for the public good; To provide for paupers.

*Thirty-third*, To provide for taking a census of the inhabitants of the city whenever the council shall see fit, and to direct and regulate the same; To provide for taking census.

*Thirty-fourth*, And further the council shall have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may Further powers

deem necessary for the safety, order and good government of the city and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons or any corporation, for any purpose whatever;

As to thistles and other objectionable weeds.

Notice to be given before entering upon private property to destroy the weeds.

*Thirty-fifth.* And further, the council shall have authority to require all thistles, burdocks, yellow docks and other objectionable weeds found growing on any public or private property within the city limits to be destroyed; but before entering upon any private property for the purpose of destroying the weeds mentioned herein, the council shall cause a notice, written or printed, or partly written and partly printed, to be served on the owner or occupant of said property, requiring the destruction within five days after service of such notice. If no service of such notice can be had upon the owner or occupant, then it shall be sufficient to post the same in some conspicuous place on the premises, and the cost of removing such weeds shall be paid from the city treasury and the same assessed against the property in the next general assessment roll of the city.

Terms of license.

SEC. 20. The council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe, with one or more sufficient sureties conditioned for a faithful observance of the charter of the corporation and the ordinance of the council, and otherwise conditioned as the council may prescribe. Every license shall be revoked by the council at pleasure, and when any license is revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

License not to extend beyond first Monday of May.

SEC. 21. No license shall be granted for any term beyond the first Monday in May next thereafter, nor shall any license be transferable. And the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council. All sums received for licenses granted for any purpose by the city or under its authority shall be paid into the city treasury and placed to the credit of the general contingent fund on or before the last day of the month on which they were received.

License fee placed to credit of contingent fund.

Tavern and saloon keepers to have license.

Liquor sellers, etc., must be licensed.

SEC. 22. No person shall engage in or exercise the business or vocation of tavern keeper, innholder, or saloon keeper, within the limits of said city, until he is first licensed as such by the council. All hotel or tavern keepers, innholders or common victualers who shall keep a bar in connection with their hotel, tavern, inn or common victualing establishment, and all grocers, druggists and all other persons who shall sell

beverages by the glass or cup in their respective establishments which are usually sold in a saloon, shall be deemed saloon keepers within the meaning of this act, and shall be required to take a license as such.

SEC. 23. The council shall have and exercise in and over such city the same powers in relation to the regulation of taverns, groceries, common victualers, saloon keepers and others, as are now or may be hereafter conferred by the general laws of this State upon township boards, or upon corporate authorities of cities and villages, in relation to tavern keepers and common victualers, and subject to the same conditions and limitations and the general laws of this State now in force, or which may hereafter be enacted, in relation to the regulations of taverns, groceries and common victualers, shall be deemed applicable to this city, unless otherwise limited. Power of council over taverns.

SEC. 24. Where, by the provisions of this act, the council have authority to pass ordinances on any subject, they may prescribe a penalty not exceeding one hundred dollars, unless the imposition of a greater penalty be herein otherwise provided, for a violation thereof, and may provide that the offender, on failing to pay the penalty imposed, shall be imprisoned in the city penitentiary or the county jail for a term not to exceed ninety days; and during the term of such imprisonment, male persons so imprisoned may be kept at hard labor on the public grounds, streets, roads, sewers, drains, bridges, or other property of the city, under such regulations as the council may by order prescribe; or such penalties may be sued for and recovered with costs in the name of the city of Traverse City. Power of council to attach penalty for violation of ordinances.

SEC. 25. No ordinance of the council, imposing a penalty, shall take effect until after the expiration of at least twenty days after the publication thereof in a newspaper published in said city. When such ordinance shall take effect.

SEC. 26. A record of entry made by the clerk of said city, or a copy of such record or entry duly certified by him, shall be *prima facie* evidence of the time of such publication; and all laws, regulations and ordinances of the council may be read in evidence, in all courts of justice, and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto either: Evidence of publication of ordinance.

*First*, From a copy certified by the clerk of the city, with the seal of the city of Traverse City affixed; or, What taken as evidence.

*Second*, From the volume of ordinances printed by authority of the council. Certified copy.

SEC. 27. Whenever the council are required by law to make publications of any notices, ordinances, resolutions or proceedings, in one or more newspapers of said city, it shall be deemed sufficient to publish the same in any daily or weekly newspaper published in said city. Printed volume of ordinances.

SEC. 28. On the last Monday in the month of April in each year, the council shall audit and settle the accounts of the city treasurer and the accounts of all other officers and persons having claims against the city or accounts with it, and shall make out a statement in detail of the receipts and expenditures of As to publication.

Time of annual settlement and auditing of accounts.

the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure by the council, the objects and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent fund; the amount raised for lighting and watching the city; the amount of highway taxes and assessments; the amount of assessments for opening, paving, repairing and altering streets and building and repairing bridges; the amount borrowed on credit of the city, and the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial condition of the city. Said statement shall be signed by the mayor and clerk, and filed and kept by the clerk in his office.

Suspension of  
operation of  
ordinance.

Filing of ob-  
jection.

SEC. 29. No ordinance or resolution passed by the council shall have any force or effect, if, on the day of its passage, or during the next five days thereafter, the mayor, or other officer legally discharging the duties of mayor, shall file in the office of city clerk a notice in writing suspending the immediate operation of such ordinance or resolution. If the mayor or other officer legally exercising the duties of mayor, shall, within five days after the passage of such ordinance or resolution, file in the office of the city clerk his reason in writing, why the same should not go into effect, nor have any legal operation, unless it shall, at a subsequent meeting of the council, be passed by a majority of two-thirds of all the members of the council then in office, exclusive of the mayor, and if so repassed, shall go into effect according to the terms thereof. If such reasons, in writing, shall not be filed with the clerk, as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been filed with the city clerk; and no ordinance or resolution of the council, for any of the purposes mentioned in this act, shall go into operation until after the expiration of six week days after its passage.

If reasons not  
filed.

Time of effect  
of ordinances.

City clerk to re-  
port to council  
any papers  
filed as  
above.  
Council may  
make contracts  
for work to  
be done.

SEC. 30. It shall be the duty of the city clerk to communicate to the council, at its next meeting, any paper that may be filed with him pursuant to the last preceding section.

SEC. 31. The council shall have power to make contracts for the performance of any work to be done, or any public improvement to be made in and for said city, except as otherwise provided.

Sprinkling of  
streets and pay-  
ment of ex-  
pense thereof.

SEC. 32. The council shall have power to cause the streets in said city to be sprinkled with water in such manner as they may, by ordinance or otherwise, provide and direct, and provide for the payment of the expense thereof.

City prison.

SEC. 53. The council of said city shall have power to provide a city penitentiary where persons charged with, or convicted of offenses against the charter, by-laws or ordinances of said city, may be confined or imprisoned until discharged by authority of law. Said penitentiary shall be under the charge and supervision of the city marshal.



SEC. 34. The council shall have authority to provide by ordinance for the preservation of the purity of the waters of the bay, river and lake, or other waters within the city, and within one statute mile from the corporate boundaries thereof; and to prohibit and punish the casting or depositing therein of any filth, logs, floating matter, or any injurious thing, as in the opinion of the council shall be most conducive to the preservation of public health.

Preserve the purity of the waters.

SEC. 35. The common council may maintain and extend, from time to time, as necessity may require, any system of water works or electric light plant which said city may hereafter acquire, and shall have power and authority with reference to supplying such city and the inhabitants thereof with water and with light under the provisions of this act not inconsistent with the statutes of this State: *Provided*, That any indebtedness incurred under this section shall be subject to the limitations prescribed by section forty-one of this title: *Provided*, *further*, That it shall be lawful for the council by the passage of proper ordinances to provide for the appointment of a commission or board, the term of at least one member of which commission or board shall expire yearly, to take the charge and management of such water-works and electric light plant in the manner and to the extent which shall be provided in the ordinance or ordinances passed therefor, or they may in the same manner appoint and employ a general superintendent who shall perform the like duties of said board or commission, and appoint and employ all necessary engineers and assistants, electricians and assistants, and any other necessary assistants as from time to time may be required in the operation and management of said works and plant, who shall be entitled to receive such compensation for said services as the common council shall by resolution or ordinance provide: *Provided*, *further*, That the council shall provide by ordinance for the establishing of water rates, electric light and power rates, or for adopting those now fixed, and the manner of assessing and collecting the same, and provide that all such water and electrical rates shall become a lien upon the premises where used until paid.

Council may extend water-works and electric light plant.

Provide.

Further provide. Appointment of a board or commission.

Appointment of general superintendent.

Other assistants.

How paid.

Provide for payment of rentals.

SEC. 36. No appointments shall be made of members of any city board, on the police force of this city, in the fire department, electric light and water-works department, board of public works or board of library trustees, on the grounds of political partisanship; but honesty, capacity and adaptation shall constitute the rule for appointments in these and all other business affairs of the city, and no removals shall be made of employees in these departments for political reasons.

No appointments on political grounds.

SEC. 37. The council shall have power to make contracts for the city printing and the publication of the official proceedings of the council, and all such work shall be open to competition and let to the lowest responsible bidder, under such rules and regulations as the council may see fit to prescribe.

Contracts for city printing to be made by council.

To levy and collect poll-tax.

SEC. 38. The council shall have power to levy and cause to be collected in each year a poll or capitation tax upon every male inhabitant in each ward of the city, between the age of twenty-one and fifty years, excepting active members of the fire department, paupers, idiots, lunatics and other persons, who by the general law are exempt therefrom; and the council shall, by ordinance, prescribe the time and manner of assessing and collecting said tax, and the penalty for neglecting or refusing to comply with the provisions of such ordinance. All taxes, moneys collected and fines received by the city pursuant to this section, shall constitute a ward fund, in the several wards of the city, where the inhabitants paying the same shall reside, and shall be used exclusively in such ward in removing snow, ice, filth or other obstructions from the sidewalks, crosswalks, gutters, and streets in the several wards under the direction of the board of public works, and such tax shall be collected by the city marshal, if not otherwise ordered by the council, and all such collections shall be paid into the city treasury.

Constitute ward fund.

May hold and acquire public buildings.

SEC. 39. The council may acquire, hold and own, such public grounds and may erect such buildings for city prisons, workhouses, hospitals, cemeteries or public burial place or places, and other necessary public uses, either within or without the city limits, as in their opinion shall be necessary for the public welfare and suitable for the convenience of the inhabitants, and they shall have jurisdiction over such lands, buildings and property, in the same manner and to the same extent, whether within or without the city limits, and may enact all such ordinance and public regulations as may be necessary for the care and protection thereof, and for the management and control of the persons confined in such prisons, workhouses or hospitals, and other purposes necessary or convenient for the public good and the execution of the powers conferred in this act; and such buildings or grounds, or any part thereof, may be sold, leased, mortgaged or disposed of as occasion may require.

May mortgage, rent, sell same.

Dangerous buildings, etc., removal of.

SEC. 40. Whenever, in the opinion of the council, any building, fence or other erection of any kind, or any part thereof, is liable to fall down, and persons or property may thereby be endangered, they may order any owner or occupant of the premises on which such building, fence or other erection stands, to take down the same or any part thereof, within a reasonable time, to be fixed by the order, or immediately, as the case may require; and in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the expense on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises, or be published in a city paper, as the council shall direct.

Serve order on occupant or publish in paper.

Limit of amount council may borrow.

SEC. 41. It shall not be lawful for the council, except as herein otherwise provided, to borrow any money or authorize any creation of any liability or indebtedness against said city

in any one year exceeding in the aggregate the amount of five per cent of the assessed valuation of the property in said city; nor shall it be lawful for the said city to ever create an indebtedness, bonded or otherwise, which shall, with the indebtedness existing from time to time, exceed fifteen per cent of the assessed valuation of the property of the preceding year; and in case any sum or sums of money shall be borrowed by said council, the same shall be paid out of the sums raised by tax for such year, if the payment is not otherwise provided, and all sums of money borrowed by said city shall be applied to the purposes for which the same was borrowed, and for no other purpose whatsoever; but nothing in this act contained shall be construed to prohibit said council from making assessments and levying and collecting for the purpose of local improvements.

Payment of  
loans.

Assessments for  
local improve-  
ments.

SEC. 42. It shall be the duty of said council, in each and every year, so long as the city shall remain in debt, to include in the taxes levied, a sum not less than the amount of the bonds and interest coming due in said year.

Taxes for bonds  
coming due  
each year.

## TITLE VI.

### DUTIES AND COMPENSATION OF OFFICERS—THE MAYOR.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council, and shall from time to time give the council information concerning the affairs of the city, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, countersign all orders drawn upon the city treasury, and see that the laws relating to the city, and the ordinances and regulations of the council are enforced. He shall place in nomination all appointees to office and the council may by a majority vote approve such nominations.

Mayor to be  
chief execu-  
tive.  
To preside at  
council meet-  
ings.

SEC. 2. The mayor shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorders; and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

Mayor has  
power to sup-  
press disorder.

SEC. 3. The mayor may remove or suspend any policeman or nightwatchman for neglect of duty at any time. He shall have authority at all times to examine and inspect the books, records and papers of any agent, employe or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

Power of re-  
moval.

May inspect  
city records.

SEC. 4. In the absence or disability of the mayor, or of any vacancy in his office, the president *pro tempore* of the council shall perform the duties of the mayor.

In case of ab-  
sence.

SEC. 5. The mayor is *ex officio* member of the board of canvassers and chairman of said board, and also *ex officio* mem-

Ex officio member of boards of canvassers and education.

ber of the board of education of the city of Traverse City, and as such, president thereof, and shall preside at the meetings of said board, and entitled to a vote upon all questions arising at such meetings.

#### CITY CLERK.

City clerk to keep seal and papers of city.

To act as clerk of council.

Shall make copies of city papers when required.

May administer oaths.  
License fees.

Clerk shall be city accountant.  
Duties as such.

When fund is exhausted, to notify council.

Shall keep a set of books.

Keep a list of corporate property.

To keep an account with the treasurer.

SEC. 6. The city clerk shall keep the corporate seal and all the documents, official bonds, papers, files and records of the city not by this act or the ordinances of the city intrusted to some other officer. He shall be clerk of the council, shall attend its meetings, record all its proceedings, ordinances and resolutions, and shall countersign and register all licenses granted, and report the same, with the amount thereof, to the council. He shall, when required, make and certify under the seal of the city copies of the papers and records filed and kept in his office, and may receive the usual fee therefor; and such copies shall be evidence in all places of the matters therein contained, to the same extent that the original would be. He shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city, and he shall have authority to administer oaths and affirmations. The clerk shall be entitled to a fee of fifty cents for each and every license issued by him, to be paid by the person obtaining the same.

SEC. 7. The city clerk shall be the general accountant of the city; and all claims against the corporation shall be filed with him for adjustment; after examination thereof he shall report the same, with all the accompanying vouchers and counter claims of the city, and a true balance as found by him to the council, or the proper committee thereof, for allowance; and when allowed shall draw his warrant upon the treasurer for the payment thereof, [designating] designated thereon the fund from which payment is to be made, and shall take proper receipts therefor; but no warrant shall be drawn upon any fund after the same has been exhausted. When any such fund or appropriation has been exhausted by warrants drawn thereon, or by appropriations or liabilities and expenses actually made or contracted for, and to be paid out of such fund or appropriation, he shall advise the council thereof at its next meeting. He shall keep a complete set of books exhibiting financial condition of the city, with all its resources and liabilities, by funds, in detail; also the whole amount in detail of all bonds, notes, mortgages, leases, rents, interest and other moneys receivable. He shall also keep a list of all other property, real, personal and mixed, belonging to the corporation, and of all its debts and liabilities, in order that the amount of the moneys and value and description of all personal property and liabilities of the corporation may at any time be known at his office. He shall open an account with the city treasurer, in which he shall charge said treasurer with the whole amount of taxes, general and special, levied in said city, designating the amount for each of the several funds of the corporation and credit him

with all the warrants drawn thereon, keeping a separate account with the debit and credit for each fund, charging every warrant drawn to the account of the particular fund constituted or raised for the specific purpose for which such warrant is drawn, in order that it may be known at his office when each fund has been exhausted, and what balance, if any, may remain therein. He shall enter upon his books the number of all receipts issued by the treasurer for taxes, or other moneys belonging to the city, also the name of the person entered in said receipt, with the amount of the same, giving each fund designated in said receipt credit for the amount therein. He shall sign all orders for the payment of moneys out of the city treasury, after having ascertained from the minutes that it has been appropriated by the council, and he shall make a record of all orders so drawn.

SEC. 8. The city clerk shall report to the city treasurer when any tax or money shall be levied, raised or appropriated, stating the object and funds for which it is levied, raised or appropriated, and the amount to credit to each fund, and he shall exercise a general supervision over all officers charged in any manner with the receipt, collection and disbursement of the city revenues, and over all the property and assets of the city; he shall have charge of all books, vouchers and documents relating to the accounts, contracts, debts and revenues of the city, not otherwise provided for; he shall countersign and register all bonds issued and keep a list of all property and effects belonging to the city.

To report to treasurer as to taxes.

To have general supervision over city revenues, books, etc.

SEC. 9. The clerk shall publish for one week in a newspaper, printed in the city, all ordinances passed by the council, for the violation of which any penalty may be imposed.

Shall publish ordinances to which a penalty is attached.

SEC. 10. The clerk shall be the sealer of weights and measures for the said city, and shall perform all the duties of township clerk, so far as the same applies to the sealing of weights and measures, and entitled to the usual fee for such service.

Shall be sealer of weights and measures.

SEC. 11. The city clerk shall perform such other duties as the council shall, by resolution or ordinance, prescribe, and such other duties as are prescribed by this act.

Other duties of city clerk.

SEC. 12. The city clerk shall receive from the clerk of Traverse township all chattel mortgages and other securities on file in his office, together with the entry book of the same; and shall securely and safely keep such files in his office; and shall be entitled to receive the same fee for filing mortgages, etc., hereafter, as is by law paid to township clerks and his duties shall be the same as prescribed by the laws of this State for town clerks acting in such capacity: *Provided*, That he may, subject to the approval of the council, appoint a deputy, who shall possess all the powers and authority of the city clerk, and may exercise all the duties thereof, subject to the control of such clerk; and such deputy shall be paid for his services either by the city clerk, or, if from the contingent fund, such sum as the council shall determine.

File chattel mortgages.

Deputy city clerk.

Clerk of board  
of education,  
no vote.

Provido,

Clerk and mem-  
ber of board of  
public works  
and board  
of health.

SEC. 13. The city clerk, by virtue of his office shall be clerk of the board of education and shall perform the duties required by said board or by this act to be performed, but shall not be entitled to a vote on said board: *Provided*, That he may be elected a member and as such member entitled to perform any duties and to vote upon all questions. The city clerk shall be clerk of the board of public works, board of library trustees, board of equalization and review and also clerk of the board of health and board of building inspectors. He shall not be entitled to vote upon any board.

#### CITY TREASURER.

To have charge  
of all moneys.

Collect taxes  
and give bonds  
to city for  
same.

To keep an ac-  
count of moneys  
and funds.

Power of treas-  
urer for col-  
lection of taxes.

Treasurer to  
give receipt  
for taxes.

SEC. 14. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the city, and shall be *ex officio* collector, and shall collect the State and county taxes and all other taxes and assessments levied within the city; he shall perform all such duties in relation to the collection of taxes as the laws of the State, and the ordinances of the council may prescribe, and be subject to all the requirements of the general laws of the State relating to the collection of such State and county taxes; and for that purpose shall give bonds to said city in such sum and with such surety or sureties as the council shall require and approve; and such treasurer shall also give to the treasurer of the county of Grand Traverse, such further security as is or may hereafter be required by law of the several township treasurers of the several townships of this State; the city treasurer shall pay no money out of the treasury except in pursuance and by authority of law, and on a warrant signed by the city clerk and countersigned by the mayor, which shall specify the purpose for which the amount thereof is to be paid and the fund from which it is to be paid; and he shall keep an accurate account of and be charged with all the taxes and moneys appropriated, raised or received for each fund of the city, and shall keep a separate account for each fund, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which said warrant was issued, and having the name of such fund endorsed thereon by the clerk. For the purpose of collection and return of all taxes, and the return of property delinquent for the non-payment of taxes, and for the purpose of suits for the collection of taxes, the said treasurer, on giving bonds or surety so required, shall possess all the powers and perform all the duties of the several township treasurers of this State as prescribed by law, and shall also perform such other duties respecting the collection and return of taxes as this act imposes.

SEC. 15. The city treasurer shall, on receiving payment of any tax levied by the council and assessed against any person or property upon the tax roll of the city, make, execute and deliver a duplicate receipt for such taxes showing the amount paid and describing the property upon which the same was

paid, one of which shall be retained by the person paying such tax, and the duplicate shall be deposited with the clerk of said city. Such receipts shall have plainly printed on the face thereof and below the space for the signature of the treasurer the following: "One copy of this receipt to be deposited with the city clerk of Traverse City and the other copy delivered to the person paying the above tax."

SEC. 16. The treasurer of said city shall, on the first and third Monday of each month, while the tax roll remains in his hands for collection, make and file with the city clerk a verified statement showing the amount of taxes collected by him since his last report, and the persons from whom collected.

Statement showing amount of taxes paid.

SEC. 17. He may also, subject to the approval of the council, appoint one or more deputies, who shall possess all the powers and authority of the city treasurer so far as relates to the collection of taxes, in any of the wards of the city, subject to the control of the city treasurer; and the city treasurer and his bondsmen shall be liable for the acts and defaults of such deputy. Such deputy or deputies shall be paid for his services by the city treasurer or otherwise as the council shall direct.

Deputy treasurer.

SEC. 18. The treasurer shall render to the council on the first Monday of every month and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. The books and accounts of the treasurer shall at all reasonable hours be open to the inspection of any taxpayer of said city. The treasurer shall exhibit to the council at the last regular meeting in the month of April a full and fair account of the receipts and expenditures after the date of his or the last annual report, and also the state of the treasury, which accounts shall be referred to a committee appointed by the council for examination, and if found to be correct shall be filed and published.

To report to council as to all moneys received.

Books open to inspection.

Annual report.

SEC. 19. The city treasurer shall keep all moneys in his hands belonging to the city separate and distinct from his own moneys, and he is hereby prohibited from using, either directly or indirectly, the city moneys, warrants, or evidences of debt, or any of the school or library funds in his custody or keeping, for his own use or benefit. Any violation of this section shall subject him to immediate removal from office by the city council, who are hereby authorized to declare the office vacant and to appoint his successor for the remainder of his term.

Different funds to be kept separate.

SEC. 20. The city treasurer shall be treasurer of the board of education and shall perform the duties imposed by the by-laws and ordinances of said board subject to the requirements of this act, and give bond to said board for the faithful performance of his said duties.

To be treasurer of board of education. Bond.

SEC. 21. The city treasurer may receive in addition to the per cent allowed in collecting taxes, such further sum as the council shall by resolution allow in full for services rendered

Extra compensation as treasurer of board of education.

to said city, or as treasurer of the board of education, or by any ordinance passed by the council.

#### SCHOOL INSPECTORS.

Duty of school inspectors.

SEC. 22. The school inspectors of the city shall perform such duties in and for the city as are required of school inspectors in townships by the statute of this State.

#### JUSTICES OF THE PEACE.

To file oaths with county clerk.  
Powers the same as justices of townships.

SEC. 23. The justices of the peace of said city shall file their oaths of office in the office of the clerk of the county of Grand Traverse, and shall have the same jurisdiction, powers and duties conferred on justices of the peace in townships, except as otherwise provided in this act.

Deemed justices of the county.

SEC. 24. The justices of the peace in said city exercising civil jurisdiction shall be deemed justices of the peace of the county of Grand Traverse, and shall be subject to the general laws of the State in relation to civil cases before justices of the peace, and appeals from their judgments made to the circuit court for the county of Grand Traverse, in the same manner as appeals from justice's judgment in towns are made, except as herein otherwise provided.

#### SUPERVISORS.

Duties of supervisors.

SEC. 25. The supervisors of each ward of said city shall have and exercise within his ward all the powers, authority and functions of supervisors of townships; excepting as herein otherwise provided, they shall qualify and enter upon the duties of that office within ten days after such election, and each of the said supervisors shall be members of the board of supervisors of the county of Grand Traverse, and as members of said board of supervisors, shall have all the power and authority, and shall receive the same compensation and shall be paid in the same manner as supervisors of townships, and they shall discharge and perform such other duties as by this act shall be required of them: *Provided*, That in case any supervisor shall be temporarily absent from the city, or from sickness or other cause shall be unable to act, the council shall appoint some suitable person, being a qualified elector of said ward, to discharge the duties of supervisor until such disability ceases. The city clerk shall issue a certificate of such appointment under the seal of the city, which shall admit him as a member of the board of supervisors of said county of Grand Traverse during such disability.

Provide,

Certificate of appointment.

Jury lists.

SEC. 26. The supervisors of the several wards shall select and return lists of grand and petit jurors to the clerk of the county of Grand Traverse in the same manner and in the same time as the like duty is required to be performed by township officers.



SEC. 27. The supervisors of the several wards shall be the assessing officers of the said city and shall cause all the real and personal property thereof to be assessed at its actual cash and market value in conformity with the general laws of this State, and shall, as such assessing officers, perform and discharge all duties relative to the assessing and levying of taxes and shall make and certify the several assessment rolls in the manner provided by this act. Assessment of property.

SEC. 28. The supervisors of the several wards shall be entitled to receive not to exceed two dollars per day as compensation for assessing and levying taxes, extending taxes on their rolls, and for all other services performed by them for the time actually employed, unless otherwise provided in this act. Compensation.

SEC. 29. The supervisor, by virtue of his said office, shall be the assistant director of the poor in his ward, and shall perform the duties and function of that office in his ward, and report and recommend to the director of the poor all cases for assistance. Director of the poor.

SEC. 30. The supervisor of each ward, by virtue of said office, shall be a member of the board of health, and health officer of his ward, and shall receive such compensation as the council may allow. Board of health officer.

SEC. 31. The supervisors of the several wards in the city shall constitute the board of special assessors for the city, a majority of whom, or any three, shall be competent to make and certify any special assessment roll ordered by the council, and shall receive such compensation as the council shall allow. As a board of special assessors.

SEC. 32. The supervisors of the several wards in the city shall act as chairman of board of registration, and election boards, in their respective wards, and shall be members of boards of equalization and review, and for such service they shall receive two dollars per day when acting upon said boards. On registration and election boards.

#### ALDERMEN.

SEC. 33. The aldermen of the several wards of the city shall be members of the council, and attend the meetings thereof, and act upon committees when thereunto appointed by the mayor or council. As conservators of the peace they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city. They shall serve as members of the council without compensation. Members of council.

#### INSPECTORS OF ELECTION.

SEC. 34. The inspectors of election of the city whose duty shall be similar to those of township inspectors of election shall be entitled to receive two dollars per day for full time actually serving. Compensation.

## CONSTABLES.

<b>Power of.</b>	SEC. 35. The constables of the city shall have the like powers and authority in matters of a civil or criminal nature, and in relation to the service of all manner of processes, as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of the ordinances of the city.
<b>Fees.</b>	
<b>Shall obey orders of.</b>	SEC. 36. The constables of the city shall obey all lawful orders of the mayor, aldermen and city marshal, and of any court or justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city; and shall discharge all duties required of them by any ordinance, resolution or regulation of the council, and for any neglect or refusal to perform any duty required of him every constable shall be subject to a penalty of not less than five or more than fifty dollars.
<b>Penalty for disobedience.</b>	
<b>Security.</b>	Every constable, before entering upon the duties of his office, shall give such security for the performance of the duties of his office as is required of constables in townships, or as may be required by the council, and file the same with the city clerk.

## CITY MARSHAL.

<b>City marshal, duties of.</b>	SEC. 37. The city marshal shall be the chief of police of the city. As police officer he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city, are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him, in all proceedings for violations of the ordinances of the city. Such process may be served anywhere within the State.
<b>Suppress riots.</b>	SEC. 38. He shall suppress all riots, disturbances and breaches of the peace and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the corporation and pursue and arrest any persons fleeing from justice in any part of the State. He shall arrest upon view and with or without process any person found in the act of committing an offense against the laws of the State or the ordinances of the city and forthwith take such person before the proper magistrate or court for examination or trial and may arrest and imprison persons found drunk in the streets until they shall become sober.
<b>Report arrests made.</b>	SEC. 39. The marshal shall report in writing and on oath to the council at their first meeting in each month all arrests made by him and the cause thereof and all persons discharged from arrest during the month; also the number remaining in confinement for breaches of the ordinances of the city and the amounts of all fines and fees collected by him. All moneys

collected or received by the marshal shall be paid into the city treasury during the same month when received and the treasurer's receipt therefor shall be filed with the city clerk. Moneys collected.

SEC. 40. The city marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services; but in no case shall fees be charged to or be paid by the city. Fees.

SEC. 41. The city marshal shall in his monthly report required to be made by this title, further make report of all persons in said city engaged in selling intoxicating liquors without a license, or violating any provisions of this act, or ordinances of said city, or any of the laws of this State relative to the giving, vending, furnishing and sale of intoxicating liquors, the keeping of disorderly houses, houses of ill fame and prostitution, or gambling houses, together with the name of the person or persons guilty of such violation, and the date of such violation and the name or names of the witness or witnesses so far as may be known, by whom such violation can be proven, and shall make and attach to said report, an affidavit in the following form, viz. : Duty relative to saloons.

STATE OF MICHIGAN, }  
COUNTY OF GRAND TRAVERSE. } ss.

Affidavit,  
form of.

I, ....., city marshal of the city of Traverse City, in the said county of Grand Traverse, do solemnly swear that I have, during the month last passed, faithfully discharged all the duties devolving upon me as marshal of said city under the charter and ordinances of said city and the laws of this State relative to the suppression of disorderly houses, houses of ill fame and prostitution, gambling houses, and the illegal vending and sale of intoxicating liquors, and that to the best of my knowledge and belief, excepting as hereinbefore set forth, no gambling houses, disorderly houses, houses of ill fame and prostitution were kept or maintained within said city during said month, that all places where intoxicating liquors are sold within said city were closed at the hour and during all the time and days prescribed by law, and that excepting as hereinbefore reported, all the provisions of the charter and ordinances of said city, and the laws of this State, relative to the sale of intoxicating liquors and the keeping of gambling and disorderly houses, and the houses of ill fame and prostitution, have been respected and obeyed to the best of my knowledge and belief, so help me God.

Sworn and subscribed to before me this ..... day of ....., A. D. .... Which said affidavit shall be duly executed before some officer of said city or county, duly qualified to administer oaths.

SEC. 42. Any person wilfully swearing falsely to the foregoing affidavit shall be deemed guilty of perjury and subject to the pains and penalties thereof. Swearing falsely is perjury.

City attorney to  
institute pro-  
ceedings.

SEC. 43. If the report of the said city marshal shall show the violation of any ordinance of said city, it shall be the duty of the city attorney to institute prosecution therefor.

Clerk to make  
certified copy of  
violation of laws  
to the prosecut-  
ing attorney.

SEC. 44. If the report of said city marshal shall show any violation of any of the penal laws of this State, it shall be and is hereby made the duty of the city clerk to make a certified copy of said report and transmit the same to the prosecuting attorney of the county of Grand Traverse, minuting upon the records of said city the date of such transmission, and upon receipt of said report it shall be the duty and is hereby made the duty of said prosecuting attorney to cause prosecutions to be instituted for any and all violations mentioned in said report, and to personally prosecute the same.

Deputy marshal.

SEC. 45. He shall, subject to the approval of the council, appoint a deputy marshal, who shall possess all the powers and authority of the city marshal, and may exercise all the duties thereof, subject to the control of such marshal. The marshal shall be responsible for all the acts and defaults of such deputy, and may remove him at his pleasure, and appoint another, subject to the approval of the council. His compensation for services shall be such as the council may direct.

#### CITY ATTORNEY.

Legal adviser of  
the city.

SEC. 46. The city attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council and of all officers of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute for offenses against the ordinances of the city.

Other duties.

SEC. 47. He shall, in addition, whenever thereto required by the council, render his opinion in writing for the information of the city officers, upon any matter affecting the legal business of the city, which opinion shall be filed in the office of the city clerk for reference and preservation. He shall be a member of the board of equalization and review of assessment rolls.

Member of  
board of equal-  
ization.

#### CITY ENGINEER.

City engineer,  
duty of.

SEC. 48. The city engineer shall make such surveys, within the city limits, and outside of said limits upon property owned and contracted by said city by ordinance or otherwise, to determine, establish and perpetuate property lines, the boundaries of streets, alleys and public grounds, grades for streets and sidewalks, the grade and alignment of sewers and sewer connections, and the location of water pipes, hydrants and cut-off valves as shall be required of him by resolution or ordinance of the council.

Inspect bridges.

SEC. 49. The city engineer shall inspect all bridges at least once every year, and report in writing to the council the condition thereof. He shall examine all plans for bridges and cer-

tify his approval, or return them to the council with his objection thereto.

SEC. 50. He shall prepare all plans for use of the council, the city clerk, or for his own office, of the sewer, street and other public improvements, which may be ordered by the council. Prepare all plans.

SEC. 51. All contract work for the city shall be done under his supervision, unless otherwise provided by this act. He shall establish and keep a permanent *datum* from which to refer all elevations and grades. Contract work done under his supervision.

SEC. 52. The city engineer shall keep in his office:

*First*, A plat book of the city, showing the location, [width,] with grade and boundaries of all streets, alleys, sidewalks and public grounds, and shall whenever any change is made in the streets, alleys, sidewalks or public grounds, indicate by notes and plat in said book, all changes so made; A plat book shall be kept in his office.

*Second*, A plat book, showing the location, grade, size, kind and connections of every sewer, his reference points, and statement of the cost of each sewer. He shall in the same plat book, or one especially for the purpose, keep a record and plat of all water pipes, hydrants, cut-off valves and the plans of the water system in use in the city; and of all artesian wells and supply pipes which occupy any part of a street or alley; Sewers.

*Third*, He shall make all necessary plats or maps of all cemetery grounds or burial grounds or places within or without the city limits owned and controlled by the city for use in his office, the city clerk's office, or that may be ordered by the council. Cemetery grounds.

SEC. 53. The city engineer shall secure and preserve in his office, the original notes of the surveys of the land of the city, together with his own notes, the burial grounds and recorded plats thereof, and be custodian of the same, that ready reference may be had of all such information. Preserve all notes.

SEC. 54. The city engineer shall make all necessary surveys, maps, plats, diagrams and estimates, plans and specifications for all public improvements on buildings or grounds required by ordinance of the council or other provisions in this act. Shall make all surveys, plans, etc.

#### FIRE CHIEF.

SEC. 55. The fire chief shall have and exercise within the city the supervision and direction of the fire department and the care and management of all fire apparatus and property, subject to the direction of the mayor and the regulations of the council. Power of.

#### DIRECTOR OF THE POOR.

SEC. 56. The director of the poor appointed by the council shall perform such duties in and for the city and shall possess such power and authority as are conferred upon directors of Duties of.

the poor by the laws of this State and such as may be provided by ordinances of said city. He may, at his own discretion, or upon the recommendation of the supervisor of the respective wards, render such aid and care as may be consistent with the ordinances of the city and recommend to the council such an expenditure as he may deem just and expedient, and the city clerk shall draw his warrant, countersigned by the mayor, upon the city treasurer for such a sum, not exceeding twenty dollars, to be used in behalf of one person or one family: *Provided*, That when a greater sum is required for the benefit of one person or one family the council shall so declare before any greater expenditure is made therefor.

#### BOARD OF HEALTH.

Duties and  
power of.

SEC. 57. The board of health shall have power, and it shall be their duty, to take such measures as shall be deemed effectual to prevent the entrance of any pestilential or infectious disease into the city; to establish, maintain and regulate a pest house or hospital; to abate all nuisances of every description which are or may be injurious to the public health in any way and in any manner they may deem expedient; to do all acts, make all regulations, which they shall deem necessary for the preservation of health, and to carry into effect and execute the powers prescribed in this act, not inconsistent with the laws of this State.

#### BOARD OF PUBLIC WORKS.

Power of board  
of public works.

SEC. 58. The board of public works, composed of five members, shall have control and management of all public works, public grounds and buildings, except otherwise provided in this act, cemeteries, parks, sewers, drains and water courses, streets, sidewalks, crosswalks, paving, highways and bridges and the construction and repair thereof, subject to ordinances of the council of the city, provisions of this act and laws of this State, and they shall serve without compensation.

#### BOARD OF EDUCATION.

Powers of board  
of education.

SEC. 59. The board of education shall have the control and management of the property, interests and affairs of the school district and of the schools therein. They may adopt rules for the regulation and government of the schools, and do whatever may be required to advance the interests of education, and shall possess the usual powers of corporations for public purposes, and not inconsistent with this act, and they shall serve without compensation.

## BOARD OF BUILDING INSPECTORS.

SEC. 60. It shall be the duty of the mayor, by and with the consent of the council, on or before the first Monday of May in each year, to appoint three competent mechanics, builders or architects, to be known as the "Board of building inspectors of the city," whose duty it shall be to inspect all buildings and structures within the city limits whenever requested to do so by the owner, occupant or lessee, or upon the order of the council of the city, and report to said council such recommendations in addition to the provisions and requirements of this act, as they may deem proper and necessary for the protection against fire, and the escape therefrom.

Mayor to appoint with consent of council a board of building inspectors.  
Duty of board.

## BOARD OF LIBRARY TRUSTEES.

SEC. 61. The board of library trustees, composed of three members appointed by the mayor and confirmed by the council, shall have control and management of the grounds and buildings and the care and government of such library and reading room, subject to the ordinances of the council and provisions of this act that are not inconsistent with the laws of this State. And they shall serve without compensation.

Board of library trustees, how appointed, what to have control of.

## ADDITIONAL OFFICERS.

SEC. 62. The council may also from time to time provide by ordinance for the appointment of, and appoint for such term as may be provided in the ordinance, such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.

Additional officers.

## ADDITIONAL POWERS OF OFFICERS.

SEC. 63. In addition to the rights, powers, duties and liabilities of such officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with this act, as the council shall deem expedient, and prescribed by ordinance or resolution.

Additional powers of officers.

## COMPENSATION OF OFFICERS.

SEC. 64. The mayor and aldermen, as members of the council, shall serve without compensation. If for any reason they, or any of them, shall render service to the city in any other capacity than upon the council, they shall be entitled to receive a just and reasonable compensation therefor, audited by the council. The clerk, treasurer, city marshal, city engineer, city electrician, fire chief, city attorney, shall each

Compensation of officers.

**Supervisors.** receive such annual salary as the council shall determine by ordinance. The compensation of supervisors for assessing and levying taxes, extending taxes upon their rolls, and for all other services performed by them when a charge can be made against the city for services, shall be two dollars per day for the time actually employed. **Inspectors and board of registration.** Inspectors of election and board of registration shall receive two dollars per day for time actually employed. **Clerk and gatekeepers.** Clerks of election and gatekeepers shall receive one dollar and a half per day for time actually employed. All other officers elected or appointed in the city shall, except as herein otherwise provided, receive such compensation as the council shall determine.

**No salary shall be increased or diminished during the term of office.** SEC. 65. The salary or rate of compensation of any officer elected or appointed by authority of this act, shall not be increased or diminished during the term of his office; and no person who shall have resigned or vacated any office shall be eligible to the same office during the term for which he was elected or appointed, when during the same time the salary or rate of compensation has been increased.

## TITLE VII.

### PUBLIC SCHOOLS.

**City to constitute one school district.** SECTION 1. The city of Traverse City shall constitute one school district. The members of the board of education shall be a body corporate by the name and style of "The board of education of Traverse City," and by that name may sue and be sued, and shall be subject to the laws of this State, relative to corporations that may be applicable thereto. They shall hold and control all moneys, real and personal property, or other rights belonging to said school district, and shall use and expend the same solely for the benefit of the public schools of said city.

**Who to constitute board of education.** SEC. 2. The mayor, and two resident electors of each ward in the city, shall be members of, and constitute the board of education of Traverse City, and shall have charge of the public schools in said city. They shall meet, from time to time, at such place in said city as they may designate for the transaction of business. A majority of all the members shall constitute a quorum for business. The mayor shall be president of the board of education. The city treasurer shall be treasurer of the public schools. The city clerk shall be clerk of said board, and shall keep a record of their proceedings, which shall be signed by the president and clerk: *Provided*, That in the absence of the president or clerk, the members present, if a quorum, may appoint a president, and also a clerk to perform such duties. Any proceedings of said board, certified by the president and clerk, shall be evidence of the facts therein contained, and justices of the peace shall have jurisdiction over all prosecutions for the violations of the by-laws and ordinances passed by said board.

**Charge of public schools.**

**Place of meeting.**

**Quorum.**

**Officers.**

**Proviso.**

**Evidence of proceedings.**

**Jurisdiction of prosecution by board.**



**SEC. 3.** The board of education shall have full power and authority and it shall be their duty:

*First,* To purchase sites and build school houses in said city, except as hereinafter provided; Purchase school sites.

*Second,* To establish a high school in said city; High school.

*Third,* To appoint a superintendent of the public schools in said city, under the charge of said board, with such compensation as they shall deem proper, and with such powers and duties as they shall prescribe; Appoint superintendent.

*Fourth,* To establish a school library in said city, and designate the place or places where the same shall be kept, and to appoint a librarian; Establish library.

*Fifth,* To apply for and receive from the county or city treasurer, or other officers, all moneys appropriated or belonging to the primary fund of said city, or for library purposes, except as otherwise provided in title eight of this act, and to expend the same according to law; but no money shall be drawn from the city treasury except upon the order of the city clerk, duly countersigned by the mayor; To control primary and library fund.

*Sixth,* To make by-laws and ordinances for taking the census of the children of said city; for making reports, and all things that shall be necessary to draw the proportion of the primary school fund belonging to said city; for visitation of the schools and the length of time schools shall be taught, which shall not be less than nine months in the year; for the employment and examination of teachers and their powers and duties; for the regulation of schools and the books to be used therein; for the appointment of necessary officers, and to prescribe their powers and duties; for all necessary purposes that may advance the interests of education in said city, and the good government and prosperity of public schools; Make by-laws. Length of school year. Employment of teachers. Books to be used. Other necessary purposes.

*Seventh,* To make by-laws and ordinances for admitting into the schools in the city of any foreign or non-resident pupils, to establish and regulate a proper charge, designated "Non-resident tuition fee," therefor, and the manner of collecting the same, which said sum shall be paid to the treasurer of public schools, and by him placed to the credit of the general contingent fund account; Non-resident pupils.

*Eighth,* To appoint, or detail one or more qualified electors, to be denominated "Compulsory education officers," to assist in the enforcing of the compulsory education of children, under the charge of said board, with such compensation as they shall deem proper, and with such powers and duties as they shall prescribe under this title. Appoint compulsory education officer.

**SEC. 4.** The treasurer of said board shall give bonds, with good and sufficient sureties, for at least double the amount of moneys entrusted to his hands, for the faithful discharge of his duties. He shall collect and have charge of all moneys or funds belonging to the board, or public schools, and shall keep all school funds separate from all other funds, and he shall pay them out only on the order of said board, signed by the president and countersigned by the clerk; he shall report to the To give bonds. To collect and keep school funds. Pay out funds only on order of board.

board the condition of the school funds whenever requested by them.

To determine amount of money needed each year for different purposes.

SEC. 5. The board of education of said city are hereby authorized, and it shall be their duty, once in each year, to ascertain and determine by resolution passed at any regular meeting of said board, by a vote of a majority of all the members elect, the sums necessary and proper for any or all of the following purposes:

Leasing and repair of.

*First*, To lease, enlarge, alter, improve and repair school houses and their outhouses and appurtenances;

Purchase and repair of school furniture.

*Second*, To purchase, exchange, improve and repair school apparatus, books, furniture and appendages;

Buy fuel and pay contingent expenses.

*Third*, To procure fuel and defray the contingent expenses of the schools and the expenses of the school library of said city and the necessary contingent expenses of said board;

To pay the teachers' wages.

*Fourth*, To pay teachers' wages after the application of public moneys which may by law be appropriated and provided for that purpose;

Purchase of library books.

*Fifth*, To purchase books for the school library for said city.

To report amount of money needed for school purposes.

Estimate of the school expenses for ensuing year.

SEC. 6. The board of education shall make and report annually, in the month of May, to the council, an estimate of the amounts necessary to be raised in addition to other school funds for the entire support of the public schools, including fuel, pay of teachers, repairs and other incidental expenses, and the payment of interest and indebtedness falling due, and for the purchase of grounds and the construction of school buildings and support of the library, and for all purposes of expenditure which the board is authorized or required to make during the ensuing year, specifying the different objects as particularly as may be; which sums so reported the council shall cause to be raised by tax upon all the taxable property in the city, in the same manner and at the same time as the general city taxes are levied: *Provided*, That the amount so to be raised in any one year for the purchase of grounds and the erection of buildings, and for the payment of indebtedness and interest therein incurred for grounds and buildings, shall not exceed one per cent; and the amount for the support of the schools, and for other purposes above mentioned, shall not exceed one and one-half per cent on the dollar of the taxable valuation, as equalized, of the real and personal property in the city, as shown by the tax rolls of the preceding year.

Raised by tax.

Provide limiting amount of tax.

How greater sum may be raised.

SEC. 7. Should any greater sum be required in any one year than can be raised under the provisions of section six of this title, such sum, not exceeding one per cent of the taxable valuation of the real and personal property in the district for the preceding year, may be raised by tax or loan, if authorized by a majority vote of the electors of the district present at any special meeting appointed and called by the board of education for the purpose of voting thereon. Notice of the time, place and object of any such meeting shall be given, by publishing such notice in one of the newspapers of the city, and by posting copies thereof, in two public places in each ward in the city, at least ten days before the meeting.

Public notice.

SEC. 8. The board of education shall make and publish a full statement of all the proceedings of their meetings relating to the finances and expenditures of said school district, for the preceding school year, in one of the newspapers of the city, or in pamphlet form at their discretion, in the month of September, showing the items thereof, the source of income, the amount of salaries paid to officers, teachers and employes, and to whom paid, the obligations incurred during the year, and the amount of indebtedness outstanding, and to whom payable.

Publish report of proceedings and finances.

SEC. 9. In case of a vacancy in the office of a member of said board, the same shall be filled by appointment by the council, which appointment shall be until the next annual election, and until his successor is elected and qualified.

Vacancy in office, how filled.

SEC. 10. All provisions of the general laws of this State relative to schools shall apply and be in force in said city except such as may be inconsistent with the provisions of this act, or with the by-laws and ordinances of the board of education made under this act.

General school laws of the State to apply to city schools.

SEC. 11. No member of the board of education shall be directly or indirectly interested in any contract as principal, surety, or otherwise, the expenses or consideration whereof are to be paid under any act or ordinance of said board of education, nor be surety or bondsman on any contract or bond given to said city or board of education.

No member of board to be interested in any contract with board.

SEC. 12. The superintendent of public schools shall, with the consent and approval of the board of education, appoint a board of examiners who shall have authority to examine and license teachers for the public schools of said city. The superintendent of said schools shall be *ex officio* member of and president of said board of examiners. All licenses to teach school in the said city shall be signed by the president of the board of examiners and countersigned by the president of the board of education and city clerk under the seal of the city.

Superintendent to appoint board of examiners.

Licenses signed under seal of the city.

SEC. 13. No member of the council of said city shall be appointed a member of said board of examiners, and no member of said board shall be personally interested, either directly or indirectly in any contract for any public school or building in said city nor in the purchase, sale or disposition of any material to be used in or about any public school or improvement under the control of said board.

Members of council not eligible on the board.

#### TRUANCY.

SEC. 14. The board of education of said city may establish an ungraded school for the instruction of truant or disorderly children, and may through their officers and agents require said children to attend said ungraded school during the whole or a portion of each school day as they may direct.

Establish ungraded school.

Compel attendance.

SEC. 15. It is hereby made the duty of the superintendent of schools of said city to see that the provisions of this title are carried into effect and for such purpose may designate and with the approval of the board of education appoint some proper and discreet person to be known as a "truant officer" to

Duty of superintendent of schools.

Compensation of truant officer.	assist in the enforcement of this act as occasion may require. The said truant officer shall receive such compensation as said board may allow, not exceeding two dollars per day for the time actually employed by him under the direction of said superintendent, which shall be paid out of the funds raised and provided for general school expenses upon the certificate of the superintendent of public schools as to the actual time such officer was employed. The said truant officer shall have all the power and authority of a constable to arrest offenders, without a warrant, and such other power and authority as may be necessary to carry out the provisions of this act.
To have power of constable.	
Who deemed offenders.	SEC. 16. The following classes of persons between the ages of eight and sixteen years shall be deemed juvenile disorderly persons, and shall be subject to the provisions of this act:
Habitual truants.	<i>Class 1.</i> Habitual truants from any school in which they are enrolled as pupils.
Vicious.	<i>Class 2.</i> Children who, while attending any public school, are incorrigibly turbulent, disobedient, insubordinate, or are vicious or immoral in conduct.
Street frequent- ers.	<i>Class 3.</i> Children who are not attending any school, and who habitually frequent streets and other public places, having no lawful business, employment, or occupation, which renders attendance at school impossible.
Duty of officer.	SEC. 17. It shall be the duty of the truant officer, under the direction of the aforesaid school superintendent, to warn alleged truants and incorrigibles, and their parents or guardians, of the consequence of belonging to any of said classes of juvenile disorderly persons, as set forth and defined in this title. They shall also, under direction aforesaid, serve written or printed notice upon the parent or guardian of any child belonging to class one or class two, as described and defined in section sixteen of this title, that said child must begin regular attendance at the ungraded school within five days after the service of such notice.
Notice for classes one and two.	
Class three.	SEC. 18. They shall also under direction as aforesaid, give written or printed notice to the parent or guardian of any child belonging to class three, as described and defined in section sixteen of this title, that said child is not attending any school and require said parent or guardian to cause said child to begin regular attendance at the ungraded school within five days of the date of the service of said notice.
Officer to make complaint for neglect to obey after notice is given.	SEC. 19. If said parent or guardian or other person having the legal charge and control of said child shall wilfully refuse, fail or neglect to cause said child to attend said ungraded school after notice given as prescribed in sections seventeen and eighteen of this title, it shall be the duty of said officer to make or cause to be made a complaint against said parent, guardian or other person having the legal charge and control of said child before a justice of the peace in the city for such refusal or neglect, and said justice of the peace shall issue a warrant upon said complaint and shall proceed to hear and determine the same, and upon conviction thereof, said parent, guardian or other person, as the case may be, shall be punished

by a fine not less than ten dollars nor more than twenty-five dollars; or the court may, in its discretion, require the person so convicted to give a bond in the penal sum of one hundred dollars, with one or more sureties to be approved by the said court, conditioned that said person so convicted shall cause the child or children under his or her legal charge or control, to attend at the ungraded school within five days thereafter, and to remain at said school during the full school term of twenty school weeks dating from time of beginning of attendance:

Penalty.

Bond.

*Provided*, That if said parent or guardian or other person in charge of said child shall under oath plead inability to cause said child to attend said ungraded school, then said parent or guardian or other person shall be discharged, and said justice

Proviso.

of the peace or court shall, upon complaint of said truancy officer or other person that said child is a juvenile disorderly person, as described in section sixteen of this title, issue a warrant and proceed to hear such complaint, and if said justice of the peace or court shall determine that said child is a juvenile disorderly person within the meaning of this title, then said justice of the peace or court shall thereupon, and after consultation of the county agent, sentence said child, if a boy,

Trial of juvenile offender.

to the Industrial School at Lansing, or if a girl, to the Industrial Home at Adrain, as the case may be, for one year or for a longer time, not extending beyond the time when said child shall arrive at the age of sixteen years, unless sooner discharged by the board of control of said industrial school or industrial home:

Sentence.

*Provided, however*, That sentence may be suspended in the discretion of said justice of the peace, for such time as said child shall regularly attend school, and properly deport himself or herself: *It is further provided*, That if for any cause the parent, guardian or other person having charge of any juvenile disorderly person, as defined in this title, shall fail, after notice as heretofore described in this title to cause such juvenile disorderly person to attend said ungraded school, or if such parent, guardian or other person shall make the complaint as provided in this title without proceedings having been taken against him as in this title provided, or if said juvenile disorderly person have no parent or guardian, then complaint against such juvenile disorderly person may be made, heard, tried and determined in the same manner as is provided for in case the parent pleads inability to cause said juvenile disorderly persons to attend said ungraded schools:

Proviso.

*And it is further provided*, That no child under the age of ten years shall be sent to the Industrial School for Boys or Industrial Home for Girls.

Further proviso.

Further proviso.

SEC. 20. When it appears to the school authorities that the parent, guardian or other person is unable to provide suitable books for said child, said child shall be furnished by the school board with such books as are required in the course of studies pursued in such ungraded school, and said books shall be the same in all respects as those in use in other schools in said city, and no distinction in form, color, labeling or sub-

School board to provide books for those unable to buy same.

stance shall be permitted. The expense of said books shall be paid for from the school fund of said municipality and levied and collected in the same manner as all other school taxes.

SEC. 21. The board of education shall have full power and authority, and it shall be their duty under this title to enforce the compulsory education of children:

Children of certain age must be sent to school.

*First*, Every parent, guardian or other person, in said city, having control and charge of any child or children between the ages of eight and fourteen years, shall be required to send such child or children to a public school for a period of at least four months in each school year, commencing on the first Monday of September, in the year eighteen hundred and ninety-five, at least six weeks of which shall be consecutive, unless such child or children are excused from such attendance by the board of education of said city, upon its being shown to their satisfaction that his bodily or mental condition has been such as to prevent his attendance at school, or application to study for the period required, or that such child or children are taught in the English language in a private school or at a home, in such branches as are usually taught in primary schools, or have already acquired the ordinary branches of learning taught in public schools;

Children under fourteen not to be employed at labor.

*Second*, No child under the age of fourteen years shall be employed by any person, company or corporation, to labor in any business, unless such child shall have attended some public or private day school, where instruction was given by a teacher qualified to instruct in such branches as are usually taught in primary schools at least four months of the twelve months next preceding the month in which such child shall be so employed: *Provided*, That a certificate from the board of education or director of the school district in which such child shall have attended school shall be evidence of a compliance with the provisions of this act;

Provided.

What children to be sent to school.

*Third*, Every parent, guardian or other person having charge or control of any child from eight to fourteen years, who has been temporarily discharged from any business or employment, shall send such child to some public or private school, for the period for which such child shall have been discharged, unless such child shall have been excused from such attendance by the board of the school district, for reason as stated in section one hereof;

Board to furnish text books, when.

*Fourth*, It shall be the duty of the board of education to purchase and furnish, at the expense of the district, such text books as may, in the judgment of said board, be necessary for the use of children whose parents are not able to furnish the same, the expense of all such books to be levied in like manner as other taxes;

Penalty for failure to comply with the law.

*Fifth*, In case any parent, guardian or other person shall fail to comply with the provisions of section two, three or four of this title, such parent, guardian or other person shall be deemed guilty of a misdemeanor, and shall, on conviction, be liable to a fine of not less than five dollars nor more than ten dollars for the first offense, and not less than ten dollars nor

more than twenty-five for each subsequent offense, or by imprisonment in the city penitentiary or county jail for a period not exceeding thirty days;

*Sixth*, It shall be the duty of the officers detailed or appointed under the provisions of this act, to assist in the enforcement thereof, to institute, or cause to be instituted, proceedings against any parent, guardian, or other person having legal charge and control of any child or any person, company or corporation violating any of the provisions of sections one, two, three, four and five of this title, it shall be the duty of the board of education to institute, or cause to be instituted such proceedings;

Duty of officers to enforce the law.

*Seventh*, When any of the provisions of this act are violated by a corporation, proceedings may be had against any of the officers or agents of said corporation who in any way participate or are cognizant of such violation by the corporation of which they are officers or agents, and said officers or agents shall be subject to the same penalties as individuals similarly offending.

Violations by corporations.

## TITLE VIII.

### FREE PUBLIC LIBRARY AND READING ROOM.

SECTION 1. The council of Traverse City shall have power to establish and maintain a public library and reading room, for the use and benefit of the inhabitants of said city, and may levy a tax of not to exceed one mill on the dollar annually on all the taxable property in the city, such tax to be levied and collected in like manner with other general city taxes, and to be known as the "Library fund:" *Provided*, That whenever the council shall deem it necessary and expedient to provide grounds and buildings to be used and occupied as a free public library and reading room, they may lease the same and provide it with suitable and approved appliances for the management thereof: *Provided further*, That whenever said council shall determine by resolution that it is expedient to acquire by purchase ground and building, or for the constructing of a suitable building in which to establish a free library and reading room, they shall have power to and may raise by tax not to exceed three mills on the dollar annually on all the taxable property in the city, to be levied and collected the same as other general city taxes and to be known as the "library fund."

May establish a public library and reading room.

May levy a tax not exceeding one mill therefor.

May provide suitable buildings by lease.

May acquire grounds, etc.

Tax not to exceed three mills annually.

SEC. 2. When the council shall have decided to establish and maintain a public library and reading room, the mayor shall, with the approval of the council, appoint a board of three members to be known as a "Board of library trustees," to be chosen from the citizens at large, with reference to their fitness for such office, one of which shall serve for one year, one for two years and one for three years. All vacancies may be filled in like manner as original appointments. They shall serve without compensation.

Mayor shall appoint a board of three trustees.

City clerk to be clerk of board of trustees.

SEC. 3. Said board of trustees shall immediately after appointment, meet and organize, by the election of one of their number president. The city clerk shall be the clerk of said board. Said board shall make and adopt such rules and by-laws and regulations for their own guidance and for the government of the library and reading room, as may be expedient, and not inconsistent with this act. They shall have exclusive control of the expenditure of all moneys collected to the credit of the library fund, and the supervision, care and custody of the grounds, rooms or buildings constructed, leased, or set apart for that purpose: *Provided*, That the construction of any building for such purpose shall be under the supervision of the board of public works: *Provided further*, That all moneys received for such library fund shall be deposited in the treasury of said city, to the credit of the library fund, and shall be kept separate and apart from other moneys of the city, and drawn upon by the city clerk, countersigned by the mayor, upon the properly authenticated vouchers of the board of library trustees. Said board may appoint a suitable librarian and necessary assistants, and recommend to the council their compensation, and the council shall fix the same and provide for the payment thereof. Said board shall have power to remove any appointees; and shall in general carry out the spirit and intent of this title in establishing and maintaining a free public library and reading room.

Money to be deposited in the city treasury.

Trustees to appoint librarian.

Protection of property.

SEC. 4. The council shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, or the grounds, or other property thereof, or for wilful injury to or failure to return any book belonging to such library or for the violation of any of the rules and regulations governing the same.

Trustees to report to council.

SEC. 5. The board shall make and report to the council on the last Monday in March in each year, and oftener when required so to do by the council, a statement of the condition of their trust at the date of their report, the various sums of money received from the library fund and from other sources, and what sums of money may have been expended, and for what purposes; the number of books and periodicals on hand; the number added by purchase, gift or otherwise during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books, with such other statistics, information and suggestions as they may deem of general interest. All such portions of such report as relates to the receipt and expenditures of moneys as well as the number of books on hand, books lost or missing and books purchased shall be verified by affidavit.

Donations, gifts, etc.

SEC. 6. Any person desiring to make donations of money, personal property, or real estate for the benefit of such library and reading room shall have the right to vest the title to the money or other personal property or real estate so donated in the board of trustees, created by this title, to be held and controlled by such board when accepted according to the terms



deed, gift, devise or bequest of such property; and as to property the said board shall be held and considered to social trustees.

7. Whenever the council shall have established a free library and reading room as provided in this title, and deem it expedient, they shall have power and authority to organize the township, or district library, controlled and managed by the board of education, into the free public library and reading room, and thereafter the management and control of the same shall be under the supervision of the board of library trustees; and all fines and other moneys that go to support the public library under the statute, shall thereafter be paid into the public library fund in this title created, for the use and benefit of such library and reading room.

Board of education to have charge of library until the council shall otherwise determine.

## TITLE IX.

### PUBLIC HEALTH.

SECTION 1. It shall be the duty of the council to appoint a physician, health officer, who shall, with the supervisors of several wards, and the city clerk, constitute the board of health of said city: *Provided*, That the city physician, city clerk, and any one or more of the ward supervisors shall constitute the board for the transaction of its business: *Provided* further, That the city physician shall be president of said board and entitled to a vote therein and preside at the meetings of the board; the city clerk shall be clerk of the board of health but not entitled to a vote therein; he shall attend the meetings of the board, and keep a record of its proceedings and such record, duly certified copy of the same, or any part thereof, shall be prima facie evidence of the facts therein contained, in any proceeding before any officer.

Board of health, who to constitute.

*Provided*.

Who to be president of board.

Who to be clerk of board.

2. The members of said board of health shall receive compensation for their services as the council shall deem reasonable, to be paid from the general contingent fund of said city.

Pay of members of board of health.

3. The said board of health shall have power, and it shall be their duty, to take such measures as shall be deemed necessary to prevent the entrance of any pestilential or infectious disease into the city; to stop, detain and examine, for the purpose every person coming from any place infected or suspected to be infected, with such disease; to establish, maintain and regulate a pest house or hospital at some place within the city, or not exceeding three miles beyond its bounds; to receive any person not being a resident of the city, or if a resident of the city, who is not an inhabitant of this State, and who shall be, or be suspected of being, infected with any such disease, to be sent to such pest house or hospital; to cause any person of the city infected with any such disease, to be removed to such pest house or hospital if the health physician or other physicians of the city, including the attending

Powers and duties of.

physician of the sick person, if he have one, shall certify that the removal of such resident is necessary for the preservation of the public health; or to disinfect, remove from the city, or destroy any furniture, wearing apparel, goods, wares, or merchandise, or other articles, or property of any kind, which shall be suspected of being tainted or infected with any pestilence or which shall be in, or likely to pass into, such state as to generate or propagate disease; to abate all nuisances of every description which are or may be injurious to the public health in any manner they may deem expedient, and from time to time, to do all acts, make all regulations, and pass all ordinances which they may deem necessary or expedient for the preservation of health, and the suppression of disease in the city, and to carry into effect and execute the powers hereby granted, or of any law of this State relative thereto.

Report of cases of infectious diseases to.

SEC. 4. The owner, driver, conductor, or person in charge of any stage coach, railroad car, or other public conveyance which shall enter into the city, having on board any person sick of a malignant fever or pestilential or infectious disease, shall, within two hours after the arrival of such person, report in writing the fact, with the name of such person, and the house or place where he was put down in the city, to the city clerk or some member or officer of the board of health; and any and every neglect to comply with these provisions, or any of them, shall be a misdemeanor.

Failure to make, penalty for.

Penalty for bringing infectious diseases into the city.

SEC. 5. Any person who shall knowingly bring, or procure, or cause to be brought into the city any property tainted or infected with any malignant fever, or pestilential or infectious disease shall be guilty of a misdemeanor punishable by fine and imprisonment.

Duties of hotel keepers, etc., in regard to any diseases.

SEC. 6. Every keeper of any inn, or boarding house, or lodging house in the city, or any master of any boat or vessel in the harbor having on board any sick person, who shall have in his house, boat or vessel, at any time any sick traveler, boatman or sailor, shall report the fact and the name of the person in writing, within six hours after he came to the house or was taken sick therein, to the city clerk or some officer or member of the board of health. Every physician in the city shall report under his hand, to one of the officers above named, the name, residence, and disease of every patient whom he shall have sick of any infectious or pestilential disease, within six hours after he shall have visited such patient. A violation of either of the provisions of this section, or any part of either of them, shall be a misdemeanor, punishable by fine and imprisonment, the fine not to exceed one hundred dollars, nor the imprisonment to exceed ninety days.

Physicians to report to the board of health.

Penalty for failure.

Fines under this title, disposition of.

SEC. 7. All fines imposed under this title shall belong to the city, and when collected shall be paid into the city treasury, and be devoted to the maintenance and support of the pest house, or any hospital that may hereafter be established by the city.

## TITLE X.

## BOARD OF PUBLIC WORKS.

SECTION 1. There shall be created and constituted a board of public works in and for the said city of Traverse City composed of five members, who shall be resident freeholders of said city. The members first composing such board shall be elected on the city ticket on the first Monday of April, A. D. eighteen hundred ninety-five, and hold their offices, one for the term of one year, two for the term of two years and two for the term of three years. And annually thereafter one or more members of such board shall be elected for the term of three years, as may be necessary to make a full board. The members so elected shall within ten days from the date thereof or at such other time as the council shall fix, meet and organize the said board of public works, and appoint one of their number chairman thereof. The city clerk shall be clerk of said board but not entitled to a vote therein. The council shall thereupon and at all times thereafter provide the said board with suitable office room for its meetings and supply record books, stationery and other things necessary for the transaction of the public business in charge of said board, and provide for the payment in like manner as other accounts against the city, of all necessary and lawful expenses incurred by said board.

Board of public works, who to constitute.

When elected.

Term of.

Meet and organize.

City clerk to be clerk of board.

SEC. 2. All members of the said board shall, before entering upon the duties of their office, execute a bond to the city of Traverse City, in such sums as the council shall direct, conditioned for the faithful performance of the duties of said office, with sureties to be approved by the council, and any member of said board who shall fail or neglect to give such bond, when so directed by the council, within ten days after his election or appointment as a member thereof shall be deemed to have resigned his office, and the vacancy thereby created may be filled by appointment of the council upon the nomination of the mayor as in other cases.

Bond to be executed.

Failure or neglect, office vacant.

SEC. 3. No member of said board shall be personally interested either directly or indirectly in any contract for any public work in said city nor in the purchase, sale or disposition of any material to be used or applied in or about any public work or improvement. Any member of said board may be at any time removed by the mayor of said city for official misconduct or for the unfaithful or inefficient performance of the duties of his office: *Provided*, That the charges against the said member sought to be removed and a notice of the time and place of hearing the same shall be served on him at least ten days previous to the time so assigned and an opportunity given him to make his defense. Whenever a member shall be removed, or a vacancy in said board shall occur by reason of the removal of any member thereof from said city, failure to execute the proper bond, resignation, death or otherwise, the

Personal interests prohibited.

Removal.

Provide.

Vacancy, how filled.

same shall be filled for the unexpired term by appointment of the council, upon the nomination of the mayor.

Power to make  
by-laws and  
regulations,

SEC. 4. A majority of the board shall constitute a quorum for the transaction of business, and a majority of all the members shall be necessary to decide any question before the same. The board shall have the power to make all such by-laws and rules and regulations as may be necessary or expedient for the conduct of its business. It shall have the power to fix the duties, and at any time to suspend or discharge any of its appointees or employees, and appoint or employ others in their places, as to the said board the public interest may seem to require.

Appoint suitable  
persons to have  
supervision.

Said board shall also have the power to appoint suitable persons who shall have the supervision of the construction and repair of public buildings, the grading, paving, improving, cleaning and care of the streets, alleys and public grounds, the construction and repair of sidewalks, and the cleaning and deepening of ditches, drains and gutters, and also such other subordinates as may be necessary to enable the board to properly perform the duties devolving upon it. Said board shall recommend, but the council shall have the power to fix, and shall fix the compensation for all appointees of said board, and all claims for the same shall, when certified by the board, be submitted to the council for allowance and payment in the same manner as other claims against the city.

Work, classified,  
accounts kept,

SEC. 5. The said board shall classify the various works under its control and keep an accurate account of the cost of each, and of the amounts expended for construction, repairs, and superintendence and salaries of employes, and also detailed accounts of all other matters under its charge and control, and upon the last Monday in April in each year, and oftener if required by the council, submit to it a statement showing in detail the progress and condition of all public improvements commenced or carried forward by said board, the character and amount of all contracts made by the board, the moneys earned and paid thereon, and all other information necessary for the full understanding of the business conducted by said board.

Submit a state-  
ment,

Records to be  
kept,

SEC. 6. All books, surveys, field notes, plats, plans, specifications and other records of every description relative to the streets, sewers, public grounds or buildings of the city of Traverse City shall forthwith, on the organization of the board of public works be delivered to it, and together with all future surveys, surveyors' field notes, plats, records, plans, profiles and other papers connected with the work of the board, shall belong to the city and be carefully preserved as public records. All contracts for public improvements heretofore lawfully entered into by any person [with] within the village of Traverse City, or with the township of Traverse, or any lawfully authorized board or officer thereof, shall be carried out and completed under the direction of the said board of public works.

Completing of  
contracts,

Have super-  
vision and  
charge of.

SEC. 7. Said board of public works shall, after the said public improvements have been first duly ordered by the council, have supervision and charge of the construction and repair

of all sidewalks, crosswalks, culverts, bridges, fountains and reservoirs; the construction, repair and extension of all main and lateral sewers and drains, the erection, alteration and repair of all engine houses, police stations, city hall and other public buildings, and of all public work of every description in said city, except schoolhouses, the deepening and cleaning of ditches and gutters, the cleaning, repairing, grading, paving, planking, graveling or covering with other material, all streets and alleys, the laying out and improvement of all parks and grounds, and shall, in addition thereto, exercise such other powers and perform such other duties in the superintendence, construction and care of public works and improvements that the council may from time to time direct.

SEC. 8. Whenever the council of said city shall have decided upon the making of any such public improvement, it shall so declare by resolution, and the board of public works, with all convenient dispatch, shall determine as to the particular kind, and estimate the quantity of materials to be used therefor, and estimate in detail the probable expense and cost of such work, and of the material to be used therein, and make a record thereof in their office, and cause to be prepared, so far as necessary, plans and specifications for such work or improvement, and report their determination and estimate to the council. When such plans and specifications have been submitted to the council and adopted by it, the said board of public works shall proceed to prosecute such improvements to completion, except when in their judgment it shall appear for the best interest of the public, they may advertise for proposals for furnishing material, and for the performance of such work, and may require all bidders to furnish security for the performance of proposals tendered to said board if the bid is accepted and also security for any contract awarded and all bids submitted to said board shall be opened by it and as soon thereafter as may be reported by said board together with its recommendation in respect thereto to the council; and no contract shall be let by the said board until it is thereunto duly authorized by the council.

Council to declare by resolution for improvements.

Board make plans and specifications.

Board of public works to advertise for proposals.

SEC. 9. All contracts made by said board shall be in the name of the city of Traverse City, to be first approved as to form by the city attorney, and be executed by the president and clerk of said board, and when made, such board shall, in behalf of the city, have direction of the performance thereof. The board shall reserve the right in all contracts to determine all questions as to the proper performance of such contracts, and as to the completion of the work specified therein, and in case of the improper, dilatory or imperfect performance thereof, to suspend work at any time, to order the partial reconstruction of the same, if improperly done, to relet the work covered by said contract or any inefficient portion thereof, or by its employes to take possession and complete the same at the expense of the contractor.

Contracts made, performance of.

Suspend work, may relet.

Pay and discharge all debts.

May bring suits for recovery.

Make estimates.

Concerning areas under sidewalks.

Sewer districts and construction or sewers.

To connect sewers with water works.

Board to be supervisors of streets, bridges, etc.

SEC. 10. It shall also have the right by proper provisions in all contracts to retain a sufficient amount from the contract price to pay and discharge all debts incurred by the contractor for labor performed upon any public work and upon the failure of the contractor to pay the same to make payment thereof to the parties entitled thereto, and charge the amount so expended against the contract price. Said board of public works is hereby authorized to commence and prosecute in the name of said city any suits or proceeding for the recovery of damages for the breach in such contract entered into by said board or to enforce the performance of any such contract. The board of public works shall, from time to time, also make estimates of the amounts earned and payable upon any contract or otherwise for the work done and the material furnished, and report the same to the council, and thereupon it shall be the duty of the council, without unreasonable delay, to order payment from the proper funds of the amount so reported.

SEC. 11. The board of public works shall have power to pass such by-laws and regulations governing the construction of, and occupancy thereof of any areas under sidewalks or those now constructed as in their judgment will be for the public welfare of the city and the inhabitants therein, subject to the approval of the council, who shall pass any ordinance necessary for the enforcement thereof by said board.

SEC. 12. All connections made with any main or district sewer from any dwelling, store or for any other purpose whatever, shall be made only by authority, direction and supervision of the board of public works. All necessary special fixtures, ventilation, flushing or other devices used in constructing such connections, shall be put in only upon the approval, advice and direction of said board.

SEC. 13. The board of public works shall have authority, with the approval of the council, to enforce the connecting with the water works of any and all sewer connections heretofore or hereafter made for the purpose of flushing the same, and they shall have authority to assess through the council any penalty they may consider just for unnecessarily stopping up any sewer or sewer connections.

SEC. 14. The board of public works shall be the commissioners of highways for said city, and subject to the council, shall have the care and supervision of the highways, sidewalks, streets, bridges, lanes, alleys, parks and public grounds therein, and it shall be their duty to give directions for the constructing, repairing, preserving, improving, cleaning and securing of such highways, sidewalks, bridges, lanes, alleys, parks and public grounds, and to cause the same to be cleaned, improved and secured from time to time as may be necessary; and by direction of the council to alter such of them as shall be deemed inconvenient, subject to the restrictions contained in this title, and record them in the office of the city engineer of said city, in the book of street records; and the recording of such highways, streets, lanes, alleys or public grounds, so ascer-

tained and described, or which shall hereafter be laid out and established by said council, and recorded in the book of street records, in the office of the city engineer, by order of the council, shall be presumptive evidence of the existence of such highway, street, lane, alley or public ground therein described; to divide said city, from time to time, into so many highway districts as they shall deem expedient, by a resolution entered in their minutes; to appoint and assign to each of such districts so many inspectors of streets as they shall, from time to time, deem proper.

## TITLE XI.

### STREETS AND PUBLIC IMPROVEMENTS.

#### FIRST SUBDIVISION TO BOARD OF PUBLIC WORKS.

SECTION 1. The council shall have power to acquire by purchase or otherwise obtain release of the right of way of any street intended to be opened or laid out by them; and whenever any person or persons owning the land through which a street is intended to be opened, shall release to the city of Traverse City the right of way by deed or otherwise, such release shall be recorded in the book of street records, by order of the council, and the same shall become a public highway.

Opening of streets.

SEC. 2. The council shall have power to order arches and bridges; wells, pumps, reservoirs and public watering troughs to be built in any part of the city; to order the grading, raising, leveling, repairing, amending, paving or covering with stone, plank or other material, any street, lane, alley, highway, public grounds, crosswalks or sidewalks, and to provide for the planting and protecting of shade trees along the sides of the streets and public grounds in said city; to order any lots, blocks or lands within said city on which, or any part of which, water shall stand and become stagnant, to be raised, filled up or drained, and whenever the council shall order any of the improvements that are mentioned in this title and do not determine by resolution that the expenses of any such improvement shall be defrayed by the city or ward, then such expenses of making any such improvements may be assessed and levied upon the lots, premises and subdivisions thereof, which are in front or adjoining such streets, sidewalks and other improvements that may be ordered by the council, or upon the lots, blocks, or land which may be in whole or in part filled up or drained; and the council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying and collecting any such tax, and may provide by ordinance for assessing such tax in the general assessment rolls of this city, which tax shall be and remain a lien upon the land, and if not paid, the land may be sold therefor in the same manner as provided for ordinary city taxes: *Provided*, That no lands or property belonging to the State shall be liable to taxation under any of the

Council to cause building of bridges, wells, etc.

Sidewalks.  
Planting of shade trees.

Drainage of lots.

Expenses, how paid.

Provide.

**Further proviso.** provisions of this act: *Provided further,* That when the grade of a street or sidewalk shall have been heretofore, or shall be hereafter established, and improvements shall thereafter be made by the owner or occupant of the adjacent property in conformity to such grade, such grade shall not be changed without compensation to the owners for all damages to such property resulting therefrom.

**Council to regulate use of public highways, streets, etc.**

**To regulate traffic and sale in streets.**

**Telegraph poles and wires.**

**Sports and amusements.**

**Restrain truck wagons, etc.**

**To establish line for erection of buildings.**

**Council to determine manner of payment of expenses of public improvement.**

**SEC. 3.** The council may regulate the use of the public highways, streets, avenues and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire or used in the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic and sales in the streets and upon the sidewalks; to regulate or prohibit the display, use, or placing of signs, advertisements, banners, awnings, posts, in or over the streets, and to regulate, prohibit or license the use of telegraph, telephone, electric light and power poles, or wires, over or under the streets; to prohibit immoderate riding and driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings and gatherings of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; and generally to prescribe and enforce all police regulations over and in respect to the public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof; and to promote the general welfare; and whenever in the opinion of the council it is made to appear for the public good that heavily loaded wagons, carts or other truck vehicles should be restrained from passing through any of the streets in this city, they shall determine as to the streets and by ordinance declare and restrain from use of such streets, as in their judgment will be conducive of the greatest good, and they may also determine and declare the width of tire, not exceeding six inches wide, such wagons, carts, or other truck vehicles shall use upon any of the streets in the city; and in addition to all other powers herein granted, the council shall have the authority and power to regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and to compel such buildings to be erected upon such line by fine upon the owner or builder thereof, not to exceed five hundred dollars.

**SEC. 4.** Whenever the council shall determine that the whole or any part of the expenses of the public improvement shall be defrayed by an assessment on the owners or occupants of houses and lands to be benefited thereby, they shall declare the same by an entry in their minutes, and after ascertaining, as they may think proper, the estimated expense of such improvement, they shall declare by an entry in their minutes whether the whole, or what portion thereof shall be assessed to such owners and occupants, specifying the sum to be assessed, and the portion of the city which they deem to be



benefited by such improvement; the costs and expenses of making the estimates, plans and assessments incidental thereto shall be included in the estimated expense of such improvement: *Provided*, That in case of grading any street, a majority of the residents of said city owning property on any such street shall petition for such grade. If, after the survey and estimate of the expenses of said grade have been made, and before a contract is entered into by said city for the grading of any street, a majority of such property owners shall remonstrate against said grade, and pay the expenses of the survey and estimates, such grade shall not be made unless petitioned for again, and then not until one year after said first petition. Proviso.

SEC. 5. The city shall not be responsible for the care, improvement or repair of any street or alley hereafter laid out or dedicated to public use by the proprietors of any lands, unless the dedication shall be accepted and confirmed by the council; and to enable the council to determine whether they will accept and confirm any such alley, street or streets, a certified copy of the plat of the same, and if a part of any addition to the city, a certified copy in full of such addition, shall be filed by the owner thereof with the clerk prior to the confirmation or acceptance of any such street or alley by the council. Streets dedicated to public use. Care of.

## TITLE XII.

### BRIDGES.

#### SECOND SUBDIVISION TO BOARD OF PUBLIC WORKS.

SECTION 1. All bridges over the Boardman river and such other bridges as a majority of the council elect shall by resolution determine, within the limits of said city, shall be built and kept in repair by and at the expense of the city. Bridges, building and repair of.

SEC. 2. The council are authorized to borrow, on the faith of the city, such sums of money, not exceeding fifteen thousand dollars for bridge purposes and seventy-five thousand dollars for public buildings and grounds as the council may deem necessary, for a term not exceeding twenty years, at a rate of interest not exceeding five per cent, and for such purpose may issue the bonds of the city signed by the mayor and countersigned by the clerk of the city, in such form and sums as the council shall direct; such bonds shall be disposed of under the direction of the council, for a sum not less than their par value, and the avails thereof shall be applied to the purposes for which such money was raised, and for no other purpose: *Provided*, That no bonds shall be issued by order of the council for such purpose specified in this section unless the amount of such bonds shall have been determined by a vote of the tax-paying electors of the city; such meeting to be called, and vote to be had and determined in the manner provided for in section fifteen of title twenty of this act. Council authorized to issue bonds and borrow money. Proviso.

## TITLE XIII.

## PAVING AND IMPROVEMENTS.

## THIRD SUBDIVISION TO THE BOARD OF PUBLIC WORKS.

Council to have power to pave, grade, etc.

SECTION 1. The council, upon petition of the taxpayers representing a majority of the tax in any special assessment district, desiring any of the improvements herein designated, shall have power to grade, pave, plank, gravel, curb and otherwise improve and repair the highways, streets, avenues, lanes and alleys of the city, and for that purpose and for defraying the expenses thereof, may divide the city into districts. The term "paving" shall be deemed to include the construction of crosswalks, gutters and curbing.

Part of expenses may be paid from general fund.

SEC. 2. Such part of the expenses of improving any street, lane or alley by grading, paving, planking, graveling, curbing or otherwise, and of repairing the same as the council shall determine, may be paid from the general street fund or from the street district fund of the proper street district, or in part from each, or the whole or such part of the expense of such improvement as the council shall determine may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon that part of the street or alley so improved or proposed so to be; or constituted of lands fronting upon such improvement, and such other lands as in the opinion of the council may be benefited by the improvement.

Expense of improvement in front of certain property to be paid by the city.

SEC. 3. When expenses for any such improvement or repairs shall be assessed in a special assessment district, and there shall be lands belonging to the city, school buildings or other public buildings, or public grounds not taxable, fronting upon such improvement as in the opinion of the council or board of assessors making a special assessment would be justly apportionable to such public grounds, buildings and city property, and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general street fund, or from the proper street district fund, or partly from each, as the council shall determine to be just, and the balance of such expenses shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement, then upon all the lands included in such special assessment district, in proportion to the estimated benefits resulting thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessments upon other lots, the council or board of assessors making the assessment may assess such lot for such number of feet frontage as in their opinion will be just.

Property to be justly assessed.

SEC. 4. It shall be within the power of the council to direct and empower the mayor and clerk to issue and negotiate for and in behalf of the city, not exceeding six per cent annual interest notes, free of taxation for the aggregate amount of any paving taxes, the time for the payment of which has been extended beyond the year of the date of the original warrant for their collection, such notes shall be made payable at the office of the city treasurer, and to fall due at such times as the council shall determine such taxes can be collected, and the proceeds of said notes shall be deposited with the city treasurer and by him disbursed on the order of the council in payment of the costs and expenses of any pavement on account of which they have been issued, and for no other purpose whatever, and the proceeds of such extended taxes, when collected, shall be used for the payment of said notes and for no other purpose whatever.

Council to issue notes in lieu of paving tax.

## TITLE XIV.

### SIDEWALKS.

#### FOURTH SUBDIVISION TO THE BOARD OF PUBLIC WORKS.

SECTION 1. The council shall have control of all sidewalks in the public streets and alleys of the city; and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to construct and maintain sidewalks in the public streets and alleys, and charge the expense thereof upon the lots and premises adjacent to and abutting upon such sidewalks.

Council has power to build and construct sidewalks.

SEC. 2. The owners and occupants of all lots and premises shall construct and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and keep them in repair at all times, and shall construct and lay the same upon such lines and grades and of such width, material and manner of construction, and within such time, as the council shall prescribe.

Owners of property to build and repair walks.

SEC. 3. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or to remove and keep the same free from obstructions, encroachments, incumbrances, or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks, within such time and such manner as the council shall require, the council may cause the same to be done and such sidewalk to be constructed or repaired at the expense of such owner or occupant, and the amount of all expenses incurred by the council thereby shall be levied by a special assessment upon the lot or premises adjacent thereto and abutting upon such sidewalk: *Provided*, He shall be liable to the city for the amount

Special assessment for failure to build walk or keep same clear.

of all damages which shall be recovered against the city for any accident or injury sustained by reason of such neglect.

Placing of signs,  
etc.

SEC. 4. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts and of other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures and excavations under the same, and to prohibit and prevent obstructions, incumbrances, or other nuisances upon the walk.

## TITLE XV.

### PLANTING AND PROTECTING SHADE TREES.

#### FIFTH SUBDIVISION TO BOARD OF PUBLIC WORKS.

Shade trees,  
planting and  
protection of.

SECTION 1. It shall be lawful for the council to grant permission to any freeholders, to plant, in any of the public streets, lanes or highways of such city, contiguous to any property owned by any of the freeholders making such application, shade or ornamental trees, and to provide suitable protection for and around any shade or ornamental trees now growing or hereafter planted within such city.

Unlawful to cut  
or mutilate  
shade trees.

SEC. 2. It shall not be lawful for any person to cut down, mutilate or destroy, or cause the same to be done by hitching any beast to any shade or ornamental trees standing in any highway, public park, street, lane or alley of such city, so long as said trees are alive [or] and growing, or any shade or ornamental trees which have been heretofore planted, or to cut down, mutilate or destroy, or cause the same to be done by hitching any beast to the protection placed around any shade or ornamental trees; and any person who shall wilfully and maliciously violate the provisions of this act shall be punished by fine not exceeding twenty-five dollars, or by imprisonment in the county jail not more than sixty days.

Penalty for.

## TITLE XVI.

### SEWERS, DRAINS AND WATER COURSES.

#### SIXTH SUBDIVISION TO BOARD OF PUBLIC WORKS.

Council may  
establish sewers.

SECTION 1. The council may establish, construct and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds.

SEC. 2. The board of public works shall have supervision and charge of the construction and repair of all sewers and drains whenever and wherever ordered by the council as provided in this act.

Supervise repair of sewers.

SEC. 3. Whenever it may become necessary in the opinion of the council to provide sewerage and drainage for the city, or any part thereof, it shall be the duty of the board of public works to devise or cause a plan of drainage to be devised for the whole city, or for such part thereof as they shall determine.

To devise plan for construction.

SEC. 4. Such plan shall, under the direction of the council, be formed with a view of the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan, when adopted, shall be filed in the office of the city engineer.

City to be divided into main sewer districts.

SEC. 5. Main sewer districts shall be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer and such lands as, in the opinion of the council, will be benefited by the construction thereof. When deemed necessary special sewer districts, to include one or more local or branch sewers, and such lands as, in the opinion of the council, will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

Mains to be divided into special districts.

SEC. 6. The council may, however, provide for main or trunk sewers without reference to sewer districts, diagrams or plats of which shall be recorded in the office of the city engineer, in the book of sewer records. There shall also be kept posted in a book of sewer records an abstract of all proceedings of the council and board of public works relating to any sewer and the plans thereof. This provision shall also apply to sewers heretofore constructed.

Council to provide main trunk sewers.

Plats to be recorded.

SEC. 7. The cost and expenses of establishing and making any main or trunk sewers, constructed without reference to sewer districts, shall be paid from the general sewer fund, excepting such portions or portion thereof as the council shall deem to be of benefit to private property, which property shall be described and the benefits thereto determined, assessed and taxed in the same manner as hereinafter provided for other public improvements. Such part as the council shall determine, being not less than one-sixth of the cost and expenses of any main district sewer, or of the cost of any lateral branch, or local sewer, constructed within a specified sewer district shall be paid from the general sewer fund, and the remainder of such cost and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to the benefits as aforesaid may be made without

Cost of establishing to be paid out of general fund.

reference to any improvements or building or buildings upon the land.

Plat of whole sewer district to be made.

SEC. 8. Before proceeding to the construction of any district sewer, the board of public works shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, lands, lots and subdivisions thereof, in the district, and the proposed route and location of the sewer, and the depth, grade and dimensions thereof, and shall procure an estimate of the cost thereof. And they shall give notice, by publication for at least five days in one of the daily newspapers of the city of the intention to construct such sewer, and where said diagram and plat may be found for examination and of the time when the board of public works shall meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer, and thereafter report the same to the council.

Council to declare construction of district sewers by resolution.

SEC. 9. When the council shall determine to construct any such district sewer, they shall so declare by resolution, designating the district, and describing by reference to the plat and diagram thereof mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general sewer fund, and what part shall be defrayed by special assessment, according to benefits; and they shall cause such plat and diagram as adopted to be recorded in the office of the city engineer in the book of sewer records.

Council may require owners to construct private drain.

SEC. 10. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the board of public works may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

Owners may construct private drain.

SEC. 11. The owners or occupants of lots and premises shall have the right to connect the same at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the board of public works shall prescribe.

Tax for use of public sewer.

SEC. 12. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding five dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereof, or otherwise.

SEC. 13. Such part of the expenses of providing ditches and improving water courses as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits. Expense of ditches, how paid.

SEC. 14. The expenses of repairing public sewers, ditches and water courses may be paid from the general sewer fund. The expenses of constructing public sewers shall be defrayed in the manner herein [prescribed] described for paying the expenses of the construction thereof. Idem.

SEC. 15. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city. Council to pass ordinance for protection of public drains.

SEC. 16. The Board of State Auditors shall allow the city of Traverse City such sum or sums of money as shall be in proportion to the assessments upon adjoining property for any improvements made under either subdivision one, two, three, four, five or six to board of public works, upon any street, alley or highway, upon which any block or parts of a block of land belonging to the State of Michigan shall abut, and the Auditor General, upon the presentation to him of any such account, duly allowed, and approved by the general superintendent of said State property shall draw his warrant on the State Treasurer therefor. State property tax, how paid.

## TITLE XVII.

### CEMETERY.

#### SEVENTH SUBDIVISION TO BOARD OF PUBLIC WORKS.

SECTION 1. The city may acquire, hold and own such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare and suitable for the convenience of the inhabitants. And the council may, upon the recommendation of the board of public works, and within the limitations of this act, raise and appropriate such sums as may be necessary for the purchase of, and extending and enlarging the cemetery grounds, and for the improvement, adornment, protection and water supply, and the care and management thereof. And they may pass all necessary ordinances to carry into effect the provisions herein, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the board of public works. May acquire a cemetery.

SEC. 2. The board of public works, subject to the directions and ordinances of the council, shall have the care and management of any cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds; cause such grounds to be laid out in lots, avenues and walks; the lots to be numbered, the avenues and walks to be named; and Board of public works to control cemetery.

**To fix the price of lots.** the plats thereof to be made and recorded in the office of the city clerk. The board of public works shall fix the price of lots, and make the sales thereof. The conveyances of the right of burial in such lots shall be executed on behalf of the city by the mayor and the city clerk, under the seal of the city and be recorded in the office of the clerk of said city at the expense of the purchaser.

**May appoint city sexton.** SEC. 3. The board of public works shall also have power, and they are hereby authorized to appoint one, or more, city sextons, who shall be subject to removal for neglect of duty or other cause or causes, and who shall be, in all matters pertaining to the care and management of said cemetery and cemetery grounds, under direction of said board. Said sexton or sextons shall receive such salary as the council shall, by ordinance or resolution, direct. And the council may, by ordinance, invest the board of public works with such powers and authority as may be necessary for the care, management and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof, and in addition to the duties herein mentioned, the board shall perform such other duties as the council may prescribe.

**Salary.**

**Powers of board.**

**Further power of board as to control.**

SEC. 4. The board of public works shall direct and control all labor performed in said cemetery, expend the money provided for the care and improvements of the grounds, and enforce the ordinances of the city made for the management and care thereof, and make such rules and regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery, and orderly conduct of persons visiting the grounds as may be consistent with the ordinances of the city and the laws of the State.

**Cemetery moneys to be paid into city treasury and constitute "cemetery fund."**

**Board to report annually to council.**

SEC. 5. All moneys raised for any public cemetery, authorized by this act, and all moneys received from the sale of lots therein or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the "Cemetery fund." Said fund shall not be devoted or applied to any other purpose except the purposes of such cemetery. The board of public works shall report to the council, annually, on the last Monday in March, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source and from whom, and the date, amount, items and purpose of all expenditures and liabilities incurred, and to whom incurred, and such other matters as the council shall require to be reported.

## TITLE XVIII.

### PARKS AND PUBLIC GROUNDS.

#### EIGHTH SUBDIVISION TO BOARD OF PUBLIC WORKS.

**May acquire public parks.**

SECTION 1. The city may acquire, hold and own such public park or parks, or public grounds, either within or without the



limits of the corporate limits thereof, not exceeding six miles distant from the corporate boundary line nearest thereto, as in the opinion of the council shall be necessary for the public welfare and suitable for the convenience of the inhabitants of said city. And the council may, upon the recommendation of the board of public works, and within the limitations of this act, raise and appropriate such sums as may be necessary for the purchase of, and for the constructing of necessary buildings and otherwise improve and beautify such public park or grounds, and for the protection, care and management thereof.

SEC. 2. The board of public works, subject to the direction and ordinances of the council, shall have the care and management of any public park or parks, and shall direct all improvements made thereon, to regulate the care thereof, and to protect the same, and the appurtenances thereof, from obstructions, encroachments and injury, and from all nuisances.

Board of public works to control.

## TITLE XIX.

### COST OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

SECTION 1. The cost and expense of the following improvements including the necessary lands therefor, viz.: For city hall and other public buildings and offices for the use of the city, offices, engine houses and structures for the fire department, for water works, for market house and spaces, cemeteries and parks, watchhouses, city prisons and work houses, land appropriated for streets and rights of way, shall be paid from the proper general fund of the city. When by the provisions of this act the cost and expense of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to, or otherwise benefited by the improvement, such assessment may be made as in this charter provided.

Cost of general improvements to be paid from proper fund.

SEC. 2. The board of special assessors for all purposes shall consist of the supervisors of the several wards of said city, unless otherwise provided in this act. Their compensation shall be prescribed by the council. Special assessments authorized by this act shall be made by such board, or as directed by the council. Any three shall constitute a quorum. If a member of the board shall be interested in any special assessment directed by the council, they shall appoint some other person to act in his stead in making the assessment who, for the purpose of that assessment shall be a member of the board.

Board of assessors, who to constitute.

SEC. 3. When the council shall determine to make any public improvement or repairs, and defray the whole or any part of the cost and expense thereof by special assessment, they shall so declare by resolution, stating the improvement and what part or proportion of the expense thereof shall be paid by special assessment, and what part, if any, has been appropriated from the general funds of the city, or from the

Council to determine improvement by resolution.

street district fund, and shall designate the district or lands and premises upon which the special assessment shall be levied.

Estimate of cost,  
etc., to be made.

SEC. 4. Before ordering any public improvements or repairs, any part of the improvements of which is to be defrayed by special assessment, the council shall cause the estimates of the expenses thereof to be made, and also plats and diagrams when practicable, of the work and the locality to be improved, and deposit the same with the city clerk for public examination, and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed, by publication for two weeks at least in one of the newspapers of the city, and of the time when the council will meet and consider any objections thereto. Unless a majority of the persons representing a majority of taxes to be assessed shall petition therefor, no such improvement or work shall be ordered, except by the concurrence of two-thirds of the aldermen elect.

Time notice.

What cost to  
include.

SEC. 5. The cost and expenses of any improvement which may be defrayed by special assessment shall include the cost of the survey, plans, assessments, and cost of construction. In no case shall the whole amount be levied by special assessment upon any lot or premises for any one improvement exceed fifteen per cent of the value of such lot or land, as valued in the last preceding general tax roll; any cost exceeding that per cent which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the city.

When special  
assessments to  
be made.

SEC. 6. Special assessments to defray the estimated cost of any improvement shall be levied before making the improvement.

Council to direct  
assessment.

SEC. 7. When any special assessment is to be made, *pro rata*, upon the lots and premises in any special district according to frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors, and shall state therein the amount to be assessed and whether according to frontage or benefits, and describe or designate the lots or premises or locality constituting the district to be assessed.

Board of assess-  
ors to make  
assessment.

SEC. 8. Upon receiving such orders and directions, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act applicable to the assessment, and if the several descriptions thus to be assessed in any special assessment district shall extend into more than one ward of the city, the board of assessors shall enter the several descriptions situated in any one ward by themselves, separate from those of the others. In all cases where the ownership of any description is unknown to the board of assessors, they shall, in lieu of the name of the owner, insert the name "unknown;" and if by mistake, or otherwise, any person shall be improperly designated as the owner of any lot, parcel of land or premises, or if the same

shall be assessed without the name of the owner, such assessment shall not, for any such cause, be vitiated, but shall, in all respects, be as valid upon and against such lot, parcel of land or premises as though assessed in the name of the proper owner, and where the assessment roll shall have been confirmed, be a lien on such lot, parcel of land or premises and be collected as in other cases.

SEC. 9. If the assessment is required to be according to frontage, the board of assessors shall assess to each lot or parcel of land, such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed; unless on account of the shape or size or location of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to the benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement, and when the board of assessors shall have completed the assessment they shall report the same to the council, such report to be signed by at least two of said board, may be in the form of a certificate, endorsed on the assessment roll, as follows:

STATE OF MICHIGAN, }  
CITY OF TRAVERSE CITY. } ss.

*To the Council of the City of Traverse City:*

We hereby certify and report, that the foregoing is the special assessment roll, and the assessment made by us pursuant to a resolution of the council of said city, adopted (give date), for the purpose of paying that portion of the costs which the council decided should be paid and borne by special assessment for the (here insert the object of the assessment), that in making such assessment we have, as near as may be, and according to our best judgment, conformed in all things to the directions contained in the resolution of the council hereinbefore referred to, and the charter of the city relating to such assessments.

Dated.....

.....  
.....  
.....

*Board of Assessors.*

SEC. 10. When any special assessment shall be reported by the board of assessors to the council, as in this title directed, the same shall be filed in the office of the city clerk and consecutively numbered. Before adopting such assessment, the council shall cause notice to be published for two weeks, at least, in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the council and board of assessors will meet to review the assessment.

Manner of  
assessing.

Certificate en-  
dorsed on rolls.

Assessment to  
be filed with  
city clerk.

Notice of same  
to be given.

Any person objecting to the assessment may file his objection thereto in writing with the city clerk. The notice provided for in this section may be addressed to the persons whose names appear upon the special assessment roll, and to all others interested therein, and may be in the following form:

NOTICE OF SPECIAL ASSESSMENT.

**Form of notice.** To (insert the names of the persons against whom the assessment appears) all persons interested, or by designating the locality of the proposed improvement in general terms, take notice: That the roll of the special assessment heretofore made by the board of assessors for the purpose of defraying that part of the cost which the council decided should be paid and borne by special assessment for the (insert the object of the assessment) is now on file in my office for public inspection. Notice is also hereby given, that the council and board of assessors of the city of Traverse City will meet at the council rooms in said city on (insert the date fixed upon) to review said assessment, at which time and place opportunity will be given all persons interested to be heard.

Dated.....

*City Clerk.*

**Who to review the assessment.** SEC. 11. At the time appointed for that purpose, as aforesaid, the council and board of assessors shall meet, and there or at some adjourned meeting, review the assessment; and shall hear any objections to assessment which may be made by any person deeming himself aggrieved thereby; and the council may correct the same if necessary, and confirm it as reported, or as corrected; or they may refer the assessment back to the board for revision; or annul it and direct a new assessment; in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the city clerk shall endorse a certificate thereof upon the roll, showing the date of confirmation.

**Confirmation of special assessment.** SEC. 12. When any special assessment shall be confirmed by the council, it shall be final and conclusive; but no such assessment shall be confirmed, except by a concurrence of two-thirds of the aldermen elect. Within ten days after such assessment shall have been so ratified, the mayor shall affix to such assessment and tax roll, his warrant for the collection thereof, which warrant shall direct the treasurer to collect the same within the time prescribed by the resolution of the council; and the said assessment and tax roll, with the warrant of the mayor annexed, shall be delivered to said treasurer within the ten days aforesaid, who shall thereupon be authorized to collect the same by distress and sale of any personal property in the possession of the person chargeable with such tax in the manner provided by law: *Provided*, That in case a larger amount shall have been collected than was necessary for pay-

**Mayor affix warrant.**

**Treasurer to collect.**

**Proviso.**

ing for improvements designated by said assessment, the excess shall be refunded ratably to those by whom it was paid. Excess refunded when.

SEC. 13. Whenever any special assessment shall not have been collected within the life of the mayor's warrant, affixed to the assessment roll, and shall not have been vacated or held invalid, the mayor may affix a new warrant to such assessment roll, extending the time for the collection of the same so long as the council shall direct, and may continue to affix new warrants to any such assessment roll, from time to time, under the directions of the council until the assessment is collected or returned. New warrants to be made by the mayor.

SEC. 14. The city treasurer shall also make a return of said assessment roll and warrant to the city clerk, according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each. To make return to city clerk.

SEC. 15. When any special assessment shall be confirmed and made payable, the council instead of requiring the assessment to be made by the special assessors, may direct the city clerk to make such special assessment roll to be collected directly therefrom; and thereupon the city clerk shall attach his warrant to said assessment roll therein commanding the city treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person and that he pay the money so collected into the said treasury, and return said roll and warrant, together with his doings thereon, within the time prescribed in said warrant: *Provided*, That said warrant may be renewed from time to time by the city clerk, if the council shall so direct, and for such time as they shall determine, and during the time of such renewal, the warrant shall have the same force, and the city collector shall perform the same duties and make the same returns as above provided. In case any assessment shall finally be returned by the city treasurer unpaid, as mentioned in the preceding sections, the same shall be reassessed on the assessment roll for the State and county taxes, on or before the fifteenth of November next, and be collected and paid in all respects as provided in section twenty-four in this title. Special assessment may be made by clerk and collected direct from roll.

SEC. 16. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll, and a certified copy of the order or resolution, confirming the same, shall be *prima facie* evidence of the regularity of all the proceedings in Provide. Warrant may be renewed by city clerk.

making the assessment, and of the right of the city to recover judgment therefor.

When irregularities exist.

SEC. 17. If in action it shall appear that by reason of any irregularities or informality, the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises, and such sum shall remain a lien upon the premises until paid.

Amount of special assessment may be paid in installments.

SEC. 18. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year, at such time as the council shall determine, with annual interest at a rate not exceeding six per cent.

Special rolls for installment plan.

SEC. 19. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed.

Division of lots not to invalidate assessment.

SEC. 20. Should any lots [or] of land be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amount upon the several parts of lots and land so divided. The report of such apportionment when so confirmed shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or lands shall be according to such division.

Council may order additional assessment.

SEC. 21. Should any special assessment prove inefficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitation prescribed for such assessments, make an additional *pro rata* assessment to supply the deficiency.

When new assessment to be had.

SEC. 22. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessment has been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment; and in the same manner shall be a lien upon the real estate so assessed; and whenever any sum or any part thereof, levied upon any premises in the assessment so set aside has been paid and not refunded, the payments so made shall be applied upon the reassessment on said premises and the reassessment shall to that extent be deemed satisfied.

SEC. 23. No judgment or decree, nor any act of the council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceeding, might have been lawfully assessed thereon.

Lien of city not impaired.

SEC. 24. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the persons to whom assessed until paid: *Provided*, That if the city treasurer shall be unable to collect any of the taxes on such roll assessed on real property before the thirty-first day of October in each year, he shall make a statement of the same with a full and perfect description of such property with the taxes upon each parcel thereof, which statement shall be verified by his affidavit that such taxes remain unpaid, and that he has not, upon diligent inquiry, been able to secure any goods or chattels liable to pay such sums whereupon he could levy the same. The council shall direct the city clerk to carry into the next assessment roll for State, county and other purposes, all such delinquent taxes so returned, with a penalty of four cents on each dollar of the sum total of taxes assessed to each particular description of land and other property, and which penalty shall be carried out opposite to each such particular description of land and other property in a column provided for that purpose.

To constitute a lien on property.

Taxes uncollected.

To be reassessed.

Four per cent penalty.

## TITLE XX.

### TAXES, FUNDS AND EXPENDITURES.

SECTION 1. The ward supervisors shall, before the fourth Monday in May in each year, make and complete the assessment of all the real and personal property within the several wards in the same manner, as near as may be, as is required by law for the assessment of property in the several townships of this State; and for the purpose of assessing all property equally in the whole city, the supervisors of the several wards may meet and confer together, from time to time, while making their assessments, and equalize their valuations in such manner as may be just, and in so doing shall, in all respects, unless when otherwise in this act provided, conform to the provisions of law governing the actions of supervisors in the several townships of this State in the assessment of property and levying of taxes, and in issuing warrants for the collection and return thereof.

Making of assessment roll.

For purpose of assessing equally.

Conform to law.

SEC. 2. If any person residing in the city a part of the time during the year shall, in the opinion of any supervisor, unjustly or falsely claim exemption from taxation therein on the grounds that he or she has a residence, and is taxed or liable to taxation elsewhere than in said city, the supervisor shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such

How made against person living in the city a part of the time.

assessment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the treasurer, or officer requiring payment of such tax, a receipt duly signed and authenticated by the affidavit of some other collector of taxes, showing that such person has paid a tax upon all of the same property for the same year to such other collector or receiver of taxes.

Property to be assessed in ward where found.

SEC. 3. All personal property found in a ward may be assessed therein whether the owner thereof resides in such ward or elsewhere. If there shall be any doubt as to the ward in which any person shall be assessed for personal property belonging to such person, the board of review hereinafter mentioned may direct as to the ward in which the assessment shall be made, and any assessment so made shall be conclusive as to the liability of such person to be assessed in such ward for said property.

Who to constitute board of equalization and review.

SEC. 4. The supervisors of the several wards, together with the city attorney and city clerk, shall constitute a board of equalization and review of the general assessment rolls of the several wards of said city, a majority of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day. They shall have power, and it shall be their duty, to examine said assessment rolls, and they shall have authority to, and shall correct any errors or deficiencies found therein, either as to the names, valuations or descriptions; and of their own motion, or on cause shown, may reduce or increase the valuation of any property found on said rolls, and to add thereto any taxable property in said city that may have been omitted, and to value the same; and to strike from said rolls and property wrongfully thereon, and generally to perfect said rolls in any respect by said board deemed necessary and proper. If on examination they shall deem the valuations of the several wards to be relatively unequal, they shall equalize the same by adding to or deducting from the total valuation of the taxable property in any ward such amount as in their judgment will produce relatively an equal and uniform valuation of the real estate in the city; and the amount added to or deducted from the total valuation in any ward shall be so stated in the certificate attached to the assessment roll of such ward; and all taxes for State, county, school, general city, and other general purposes, shall be apportioned according to said equalization, in the manner hereinbefore provided; and said equalization shall not be changed with regard to the relative valuation of the several wards of said city, and the board of supervisors of the county of Grand Traverse in which such city is located shall equalize such city as a unit the same as a township is equalized, by adding to or deducting from the total valuation of such city as a unit; and in the apportionment of taxes, the board of supervisors shall treat the whole city as a unit, and the city clerk shall make all apportionment of taxes between the several wards.

If valuation deemed to be unequal board shall equalize.



**SEC. 5.** The said board of review and equalization shall meet on the fourth Monday in May, in each year, at the council rooms in said city, at nine o'clock in the forenoon, at which time and place notice shall be given by the clerk at least six days prior to the time of meeting, by publishing a notice thereof in one or more of the newspapers of said city, and also by posting the same in three public places in each ward of said city, at which time the several supervisors shall submit to said board their respective general assessment rolls. They shall select one of their number as chairman, and the city clerk shall be the clerk thereof, and shall continue in session at least four days, successively, and as much longer as may be necessary to complete the equalization and review, and at least six hours in each day during said four days or more, and any person or persons desiring so to do, may examine his, her or their assessment on said rolls, and may show cause, if any exists, why the valuation thereof should be changed; and said board shall decide the same, and their decision shall be final. They may examine on oath any person touching the matter of his or her assessment, and the chairman or any member of said board may administer oaths. They shall keep a record of their proceedings, and all changes made in said rolls, and the amount added to or deducted from the total valuation in each ward shall be entered upon such record, which record shall be kept in the city clerk's office. The decision of a majority of the members present of said board upon all questions shall govern. The rolls as prepared by the several supervisors shall stand as approved and adopted as the act of the board of review, except as changed as herein provided. Said board shall have the same powers and perform the same duties in all respects as boards of review of townships, in reviewing and correcting assessments made by supervisors of townships, except as in this act otherwise provided. After said board of review and equalization shall have completed the revision of said rolls the clerk shall endorse and sign a statement upon each roll, to the effect that the same is the general assessment roll of the ward to which it applies, for the year in which it has been prepared, as approved by the board of review. Such statement shall be in the following form, viz :

When board to meet.

Clerk to give notice.

To select one of their number chairman.

City clerk to be clerk thereof.

Any person may examine their assessment and show cause why the valuation should be changed.

Shall keep a record of proceedings.

Power of board.

STATE OF MICHIGAN, }  
CITY OF TRAVERSE CITY. } ss.

I hereby certify that the board of review and equalization of the city of Traverse City have reviewed, equalized and corrected the within assessment roll, and have deducted, or added, as the case may be, ..... dollars from, or to, as the case may be, the valuation of the real estate made by the supervisors, and have determined the aggregate value of such real estate to be ..... dollars, and the total value of the personal estate to be ..... dollars for the years A. D. ....

Certificate of board of equalization and review.

Dated.....

.....  
*Clerk of the Board of Review and Equalization.*

Rolls filed with  
city clerk.

SEC. 6. Upon the completion of said rolls, and their endorsement in the manner aforesaid, they shall be filed with the city clerk for the use of the council and shall be conclusively presumed by all courts and tribunals to be valid, and shall not be set aside except for causes mentioned in the general laws of the State, relating to the assessment of property and the levy and collection of taxes thereon. The omission of such endorsement, however, shall not affect the validity of any such roll.

When fiscal year  
to commence.

SEC. 7. The fiscal year of said city shall commence on the first Monday in May in each year, unless otherwise provided by ordinance.

Council to have  
authority to  
raise tax.

SEC. 8. The council of said city shall have authority within the limitations here prescribed, to raise annually by taxation within the corporation, such sums of money as may be necessary to defray the expenses and pay the liabilities of the city and to carry into effect the powers in this act granted.

Revenue to be  
divided into  
different  
funds.

SEC. 9. The revenues raised by the general tax upon all the property in the city, or by loan to be paid by such tax, shall be divided into the following funds:

Contingent  
fund.

*First*, Contingent fund, to defray the contingent and other expenses of the city, for the payment of which from some other fund no provision is made;

Fire department  
fund.

*Second*, Fire department fund, to defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other necessary expenses to defray the expenses of the fire department of the city;

Street fund.

*Third*, General street fund, to defray the expenses of opening, widening, extending, altering, and vacating streets, alleys and public grounds, and for grading, paving, curbing, graveling and otherwise improving, repairing and cleaning the streets, alleys and public grounds of the city, and for the construction and repair of sidewalks and crosswalks, and for the care thereof;

Sewer fund.

*Fourth*, General sewer fund, to defray the expenses of sewers, drains, ditches and drainage, and the improvement of water courses;

Bridge fund.

*Fifth*, Bridge fund, for the construction and maintenance of bridges;

Water fund.

*Sixth*, Water fund, to purchase ground, erect buildings, maintain and extend a system of water works, and for constructing reservoirs and cisterns, and providing other supplies of water;

Public building  
fund.

*Seventh*, Public building fund, for providing for public buildings, and for the purchase of land therefor, and for the erection, preservation and repair of any such public buildings, city hall, offices, prisons, watchhouses and hospitals as the council is authorized to erect and maintain, and not herein otherwise provided for;

Police fund.

*Eighth*, Police fund, for the maintenance of police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city;

*Ninth*, Cemetery fund, for the purchase of ground, care and beautifying the same; Cemetery fund.

*Tenth*, Interest and sinking fund, for the payment of the public debt of the city and the interest thereon; Sinking fund.

*Eleventh*, Such other general funds as the council may from time to time constitute; General funds.

*Twelfth*, Park fund, for the purchase of grounds for public parks and maintaining and improving the same; Park fund.

*Thirteenth*, Light fund, for the acquiring of a plant, and maintaining and extending from time to time of an electric lighting plant, or to contract for lighting streets and public places; Light fund.

*Fourteenth*, Poor fund, for the purchase of grounds and buildings or the construction thereof, and for the care and maintenance of the poor or for temporary aid, as shall be deemed expedient. Poor fund.

§ SEC. 10. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds: Revenues raised in special districts.

*First*, A street district fund, for each street district, for defraying the expenses of grading, improving, repairing and working upon the streets therein, and for the payment of all street expenses which the council shall charge upon the street district; Street district fund.

■ *Second*, A district sewer fund, for each main sewer district, for the payment and the costs and expenses of sewers and drainage in and chargeable to the main sewer district, when the city shall be divided into such districts; District sewer fund.

*Third*, Special assessment funds; any money raised by special assessment levied in any special assessment district or special sewer district to defray the expenses of any work, paving, improvement or repairs, or drainage therein, shall constitute a special fund for the purpose for which it was raised. Special assessment fund.

SEC. 11. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city for the purpose of defraying the general expenses and liabilities of the corporation, and for all the purposes for which the several funds are constituted, exclusive of taxes for schools and schoolhouses, shall not, except as herein otherwise provided, exceed one per cent on the assessed value of all the real and personal property in said city made taxable by law. General tax not to exceed one per cent of assessed valuation.

SEC. 12. The council may also raise by tax in each street district, for defraying expenses of working upon, improving and repairing and cleaning the streets of the district, and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in any one year one-half of one per cent on the assessed value of the taxable real and personal property in the district. Street district tax not to exceed one-half of one per cent.

SEC. 13. In addition to the above amounts, the council may, upon petition, raise by special assessment in any sewer district or special assessment district, for the purpose of grading and paving, curbing, graveling and otherwise improving Tax to be raised for sewers, etc., not to exceed one and one-half per cent.

the streets, and for constructing sewers and drains, and making other local improvements chargeable upon the lands and property in the district, according to frontage or benefits, and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as they shall deem necessary, but not exceeding in any one year one and one-half per cent on the assessed value of the property in the sewer district or special assessment district, as the case may be, as shown by the last preceding assessment rolls of the city.

Tax for private sewer.

SEC. 14. A tax or assessment of not more than five dollars per year may be levied upon each lot or premises drained by a private sewer or drain leading into any public drain or sewer.

Limit of further taxation.

SEC. 15. The council may also raise such further sum annually, not exceeding three mills on the dollar of the assessed valuation of the property in the city, as may be necessary to provide an interest and sinking fund, to pay the funded debts of the city thereon: *Provided*, Whenever the council shall deem it necessary to raise a greater sum in any one year than the amount specified and limited in this title, they may call a meeting of the resident taxpayers of said city, by giving at least ten days notice in written or printed hand bills, to be posted up in six public places in said city, and by publishing said notice in one or more of the newspapers published in the city, which notice shall state the time and place of said meeting, the amount of money to be raised, and the purposes for which it is to be expended, and when said meeting shall be in pursuance of such notice, it shall be holden from one o'clock p. m., and kept open until seven o'clock p. m., of the same day, and such taxpayers, by ballot, shall determine whether the money shall be raised for the object specified in said notice: *Provided*, That such tax voted at any such meeting shall not in any one year exceed one per cent upon the assessed valuation of the real and personal property taxable within the city, unless otherwise provided in this act; and at all such meetings the council shall appoint a board of inspectors from their own number to consist of not less than two members, who shall open, conduct, close and determine the result in the same manner that elections for city officers are conducted under or by virtue of this act: *Provided further*, That whenever the assessed valuation of real and personal property is referred to in this act for the purpose of raising a per centum of tax thereon, it shall be construed to mean the assessed value as equalized.

Proviso.  
In case council shall deem it necessary to raise greater tax.

Proviso.

Further proviso.

Estimates to be made annually of expenditures required.

SEC. 16. It shall be the duty of the council to cause estimates to be made in the month of May in each year, of all the expenditures which will be required to be made from the several general funds of the city during the current fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built or repaired, and for the paving of streets, the construction of sewers, making improvements and for the support of the police and fire departments, water supply and the care of the poor, and for defraying the current expenses of the year,

and for every other purpose for which money will be required to be paid from any of the general funds during such fiscal year; and also, to estimate the amounts that will be required to be expended from street district funds during the said current fiscal year, in working upon, improving and repairing the streets, in the several street districts of the city.

SEC. 17. The council shall also, in the same month, determine by resolution upon the amount required to be raised in the next general tax levy to meet any deficiencies for the current year; also the amounts of part of any special assessments which they require to be levied or reassessed in the next general tax rolls of the city, upon lands in any main sewer or special assessment district, or upon any parcel of land or against any particular person as a special assessment.

Council to determine amount of next general tax levy.

SEC. 18. The council shall also, in the said month of May, pass an ordinance to be termed the annual appropriation bill, in which they shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the current fiscal year, payable from the several general funds, and from the street district funds as estimated and determined upon, as provided in section fourteen of this title, and order the same or so much of such amounts as may be necessary; to be raised by tax with the next general tax levy, or by loan, or both, and to be paid into the several general funds and street district funds of the city; but the whole amount so ordered to be raised by tax or loan, or both, shall not, except herein otherwise provided, exceed the amount which the city is authorized by sections eleven, twelve, thirteen and fifteen of this title to raise by general tax during the year. The council shall specify in such ordinance the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds and street district funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment or other sum which they required to be levied or reassessed with the next general tax as mentioned in section fifteen of this title, and the disposition to be made of such moneys; and shall also designate in such bill any local improvements which they may deem advisable to make during the next fiscal year, to be paid for in whole or in any part by special assessments, and the estimated costs thereof.

Annual appropriation bill.

To specify objects of appropriations.

SEC. 19. After the passage of the annual appropriation bill no further sums shall be used, raised or appropriated; nor shall any further liability be incurred for any purpose, to be paid from the general fund or street district fund, during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a majority vote of the electors voting upon the proposition at the next annual city election, or at a special election to be called therefor by the council. But this section shall not prohibit the

After passage of appropriation bill no further sums to be raised.

Except repairs  
on account of  
accident.

council from making any necessary repairs or expenditures, at a cost not exceeding five thousand dollars, the necessity for which is caused by casualty or accident, happening after making the annual appropriation for the year, and from loaning the money therefor.

Clerk to perform  
same duties as  
supervisors in  
extending  
taxes.

SEC. 20. The city clerk shall have such power and perform such duties relative to the apportionment and extending of all taxes to be spread upon the several ward assessment rolls and making copies thereof and attaching his warrant with the corporate seal of said city to said rolls for the collecting of such taxes, as are conferred by the general tax law of the State upon supervisors of townships.

When clerk to  
complete tax  
rolls.

SEC. 21. After the confirmation of such assessment rolls as provided in section five of this title and on or before the last Monday in July in each year, the city clerk shall apportion the several taxes to be raised upon the several ward rolls according to the equalized valuation thereof, and shall complete the tax rolls of the several wards of the city, by extending all taxes ordered to be assessed thereon by the council as provided in the annual appropriation bill in section eighteen of this title. And shall carry out in appropriate columns opposite the several descriptions of land and other property in each ward assessment roll, the amount due from each description of land or other property for all taxes assessed for the year placing the amount certified by the board of education, in title seven in this act, as approved by the council, to be raised for school, schoolhouse, one mill, and library purposes, in one column headed "School, schoolhouse and library purposes;" and the several sums mentioned in the annual appropriation bill and certified by the council to be raised as a general city tax in one column headed "City tax;" and any special assessment tax certified by the council in one column headed "Special assessments;" and the aggregate amount of the several taxes opposite each description of property carried into a column headed "Total city tax." And he shall then make a complete certified copy of each of said ward assessments and tax rolls and deliver said copy to the city treasurer on or before the fourth Monday in July in each year, with his warrant under the corporate seal of the city attached to each of the said tax rolls, commanding the treasurer to collect, on or before the first day of November then next, from the several persons named in said rolls, the several sums mentioned in the column headed "City tax" of said rolls opposite their respective names, and to pay the same into the city treasury to the credit of the several funds for which the assessments are made. And the said warrant shall authorize the city treasurer, in case any person named in the assessment rolls shall neglect or refuse to pay his tax, to levy the same by distress and sale of goods and chattels of such person.

Make copy  
thereof and  
attach his war-  
rant for col-  
lection.

Taxes, when  
a lien.

SEC. 22. The taxes so levied for city, ward, one mill, school, library and other purposes shall be and remain a lien upon the property on which the same was levied from and after the fourth Monday in July, in like cases, and to the same

extent, as taxes required by law to be levied on property in the several townships of this State are liens upon property.

· SEC. 23. Upon receiving the tax roll as above provided, the city treasurer shall give notice immediately in such manner as the council shall direct to the taxpayers of the city that such roll had been delivered to him and that the taxes levied therein may be paid to him at his office at any time before the first day of September following, without charge for collection, but that one per cent collection penalty will be charged and collected upon all taxes remaining unpaid on the first day of September.

Treasurer to give notice to taxpayers.

Penalty of one per cent after September first.

It shall be the duty of the city treasurer to be at his office during such time as the council may prescribe each year for the collection of taxes, and it shall be his duty to state that he will be in his office, together with the location of his office, at such times, in the notice to be given to the taxpayers of the city as hereinbefore provided. He shall collect as a penalty two per cent upon all taxes paid to him upon and after the first day of October on said roll, except as herein otherwise provided; and all penalties are made payable into the city treasury to the credit of the general fund.

Penalty of two per cent after October first.

SEC. 24. If the city treasurer shall be unable to collect any of the taxes on such roll assessed on real property before the thirty-first day of October in each year, he shall make a statement of the same with a full and perfect description of such property, with the taxes upon each parcel thereof, which statement shall be verified by his affidavit that such taxes remain unpaid, and that he has not, upon diligent inquiry, been able to secure any goods or chattels liable to pay such sums, whereupon he could levy the same, and he shall also make a statement showing the taxes upon personal property remaining unpaid, and the names of the persons against whom they are assessed and the amount against each, which statement he shall verify by his affidavit that the sums so mentioned as uncollected remain unpaid and that he has not been able, after diligent inquiry, to discover any goods or chattels belonging to the person liable to pay such sums, whereupon he could levy the same. He shall also make a statement showing the amount of all moneys collected by him on account of taxes on said roll, which statement he shall verify by his affidavit. Such statement shall be filed with the city clerk. The council shall direct the city clerk to assess all such delinquent taxes so returned, with a penalty of four cents on each dollar of the sum total of taxes assessed to each particular description of land and other property, and which penalty shall be carried out opposite to each such particular description of land and other property in a column provided for that purpose; placing the aggregate sum of unpaid school, schoolhouse, one mill, library, and general city tax, and special assessment taxes, in the column headed "Delinquent city taxes;" and all unpaid special district assessments shall be placed in the column headed "Special reassessments;" and the aggregate sum thereof, including the four per cent penalty tax, shall be placed in the column headed "Total delinquent city taxes."

Treasurer to make return to council October thirty-first.

Council to order a four per cent penalty.

Form of the roll.

Board of review  
to redescribe  
property.

SEC. 25. The board of review shall also sit annually in the council room on the first Monday in November and shall have power to redescribe, revalue and reequalize the several parts of a description of real property, which was assessed on the last tax rolls as one description, and to the owner, and with one valuation, and was thereafter divided, by sale or otherwise, among separate owners. The equalized valuation of the several parts shall equal the assessed valuation of any description which included them all, on the last tax roll whereon the same was assessed. Persons interested may appear at this meeting, and the board shall hear and consider their statements. The supervisors shall report to the board at this meeting all such subdivisions as shall come to their knowledge, with their estimates of the value that shall be placed on each. The city clerk, with the corporate seal, shall certify in the tax rolls of the several wards of the city to the performance of the duties imposed upon the board by this section; and their action shall be as final, conclusive and binding as the acts of boards of review in reviewing, correcting and equalizing general assessments as hereinbefore set forth; and it shall be the duty of the city clerk to carry out State, county, city, school or other taxes against such subdivided descriptions and the several valuations thereon, in the same manner as if they were original entries.

The city clerk  
shall certify  
the tax rolls.

How the board  
of supervisors to  
make the appor-  
tionment of  
taxes.

SEC. 26. The board of supervisors of Grand Traverse county in the apportionment of State, county and other taxes between the several townships in the county, shall determine the several sums to be assessed upon the valuation of the taxable property of the whole city as a unit as equalized by said board, and certify said several sums to the council of the city of Traverse City at their annual session in October in each year, and the city clerk shall apportion said several sums to be assessed upon the taxable property in each ward of the city according to the equalized valuation thereof, as ascertained and determined by the board of review and equalization of said city.

Clerk to extend  
taxes in assess-  
ment rolls.

SEC. 27. The clerk of said city, at the time and in the manner provided by law for the levying of taxes in townships, shall assess and place such levy in the division entitled State and county taxes of the assessment and tax rolls provided for in section twenty-one of this title, and upon all the taxable property of said city, the amounts necessary to be raised in said city for State and county taxes, placing the amount certified by the clerk of the board of supervisors of Grand Traverse county to be raised as a State tax in one column headed "State tax," and the amount certified by said clerk to be raised as a county tax in one column headed "County tax;" and if any other tax be certified to be raised by said clerk, such sums shall be placed in one column, and the aggregate amount of the several taxes under this division opposite each description of property shall be carried into a column headed "Total State and county taxes." The levy of such taxes shall be in accordance with the provisions of law governing the levy of such taxes in townships, except as herein otherwise provided.



**SEC. 28.** On or before the fifteenth day of November of each year, the city clerk shall complete as far as possible the rolls of the several wards in the city in the manner provided in section twenty-four of this title, by carrying forward the aggregate amount of unpaid city taxes, placing such sums in the column headed "Delinquent city taxes," and the amount certified by the council to be reassessed from special assessment rolls as provided in section twenty-four, title nineteen, of this act, placing such sums in a column headed "Special reassessments" and the amount of four cents on each dollar as a penalty upon all delinquent taxes as provided in section twenty-four, title nineteen, placing such sum in a column headed "Penalty tax," and the aggregate amount of the several taxes in this division opposite each description of property shall be carried into a column headed "Total delinquent city taxes," and file the same with the common council. He shall also make a complete copy of said rolls by entering all taxes as provided to be assessed upon the taxable property in the city in sections twenty-four and twenty-seven of this title and also as provided in this section to be assessed or carried forward as the case may be, and certify the same to the city treasurer on or before the fifteenth day of November in each year with his warrant under the corporate seal of the city attached to each of said tax rolls, commanding the treasurer to collect on or before the first day of February then following, from the several persons named in said rolls, the several sums mentioned in the column headed "Total delinquent city taxes," on said rolls, opposite their respective names, and to pay the same into the city treasury to the credit of the several funds for which the assessments are made. And to collect the several sums mentioned in the column headed "Total State and county taxes," on said rolls, opposite their respective names, and to pay the same into the county treasury of Grand Traverse county as provided by the laws of this State, and the warrant shall authorize the treasurer in case any person shall neglect to pay his taxes, to levy the same by distress and sale of the goods and chattels of such person as provided by the general tax laws of this State. The time for the collecting of the taxes of said rolls may be extended by the council not exceeding thirty days.

When tax rolls  
to be completed.

How made.

To make a copy  
of the tax roll.

**SEC. 29.** The city treasurer shall within one week after the time specified and directed in the warrants annexed to said several tax rolls pay to the county treasurer the sum required in said warrant to be so paid, either in delinquent taxes or in funds then receivable by law, and all lands upon which any unpaid tax shall be returned, shall be sold therefor, the same as lands returned for delinquent taxes by township treasurers.

When the treas-  
urer to pay col-  
lections into  
county treasury.

Make return of  
unpaid taxes.

**SEC. 30.** The tax rolls with the warrants attached as above provided shall be delivered to the city treasurer in the manner above specified, provided security as collector of taxes has been given by such city treasurer as is required by law or as provided for in this act. And if such security shall not have been given by the city treasurer in the manner and in the time required the council shall immediately appoint some suitable

Treasurer to  
give security as  
collector of  
taxes.

person who shall give the required security to collect the taxes spread on said roll, and the person so appointed shall thereupon be entitled to receive said tax rolls and shall collect and pay over such taxes and may return all his doings thereon in the same manner and shall have all the powers and perform all the duties and be subject to the same liabilities as in this act conferred upon the city treasurer. The city treasurer, or person authorized to collect taxes herein provided may, in his discretion, proceed to collect the personal taxes spread upon said roll at any time after the delivery of said rolls to him.

Treasurer to give notice to taxpayers.

Collector to be in his office.

Collector's fee to be collected on State and county taxes.

Compensation of treasurer.

Proviso.

General law to govern, except as otherwise provided.

SEC. 31. Upon receiving the tax rolls aforesaid, the city treasurer shall give notice without delay to the taxpayers of the city, publishing such notice in one or more of the newspapers published in the city for at least two weeks, that such rolls have been delivered to him and that the taxes therein levied may be paid to him at his office, and the said treasurer shall keep his office open and remain therein for the purpose of collecting said taxes, as the council may direct, at least six hours each week day from the time he receives said tax rolls until the tenth day of January then next. The treasurer shall collect a collector's fee upon all State and county taxes collected, and shall have such other powers and perform such other duties not herein particularly enumerated as are conferred upon township treasurers by the general tax law of this State.

SEC. 32. For the collection of all taxes, the treasurer shall be entitled to receive such percentage as shall be prescribed by the council by resolution, not exceeding one per cent upon the sum collected, upon all general and special tax rolls. But he is hereby prohibited from charging any percentage to the city for assessment, transfer or remittance of taxes, general or special, ordered by the council, or for any public moneys received from the county treasurer or other persons, exclusive of taxes. No percentage for the collection of city taxes shall be added to the tax assessed, but the collector's percentage upon amounts collected of city taxes shall be paid from the contingent fund of the city duly audited and allowed upon the order of the city clerk countersigned by the mayor: *Provided*, That as a perquisite to said office in collecting the State and county taxes he shall be entitled to add to and collect a collector's fee as established by the general tax law of this State.

SEC. 33. All the provisions of law respecting delinquent taxes levied in townships shall apply to all taxes levied in any ward of the city, and be returned as delinquent to the county treasurer; and the ward, in respect to taxes levied therein and returned to the county treasurer as delinquent, shall, except as herein otherwise provided, be considered and treated as a township; and all provisions of law for the sale of lands for the payment of taxes levied for the State, county and township purposes, and returned delinquent, shall apply to the return and sale of property for the non-payment of delinquent taxes levied in any ward of the city, except as herein otherwise provided.

SEC. 34. The net proceeds of the sales of all property delinquent for the non-payment of city taxes, shall be paid to the treasurer of said city by the treasurer of the county of Grand Traverse whenever required by the city treasurer; and the net proceeds of all sums paid to the treasurer of the county of Grand Traverse before sale, on account of property within said city returned delinquent for non-payment of city taxes, shall in like manner be paid to said city treasurer.

County treasurer  
to make sale of  
property delin-  
quent for taxes.

SEC. 35. No general or special tax, or special assessment or charges created, ordered or assessed in said city upon any property therein shall be illegal or invalid for any matter of form not affecting the merits of the case, and which shall not injure or prejudice the rights of the person assessed, and all taxes and assessments, both ordinary and extraordinary, and all charges created, ordered and assessed in said city shall be presumed to be legally assessed until the contrary is affirmatively shown. And no such presumption shall be rebutted or any sale for taxes assessed in said city rendered invalid by showing that any paper, certificate, return or affidavit required to be made and filed in any office is not to be found in the office where the same ought to be found or filed, but until the contrary is proved the presumption shall be in all such cases that such paper, certificate, return or affidavit was regularly made and filed in the proper office according to law.

Legal rights in  
taxation.

## TITLE XXI.

### RELATING TO THE PREVENTION OR ESCAPE OF PROPERTY FROM TAXATION.

SECTION 1. To prevent the escape of property from taxation, it shall be within the power of the council, at any regular meeting thereof, between the first day of June and the first day of October following, to order and direct the special assessors to make and return thereto, at its next regular meeting, an extra and special assessment roll of any property named in said order: *Provided*, That, except in cases of gross and manifest error, no property included in any tax roll of any municipality or township in this State, nor any property or goods accumulated or building erected between times of making the regular annual assessments of property, shall be subject to taxation under the provisions of this title.

Return of extra  
assessment roll  
to council with  
regard to escape  
of property  
from taxation.

Proviso.

SEC. 2. Pursuant to the order of the council, it shall be the duty of the special assessors to make such special assessment roll, estimating the value of the property therein described at its true cash value, and certifying thereto as in making ordinary assessments; and they shall notify in writing the owner or owners, or person or persons in control of such property, of the amount of its valuation thereof, and of the time and place of meeting of the council to sit as a board of review as herein-after provided, and they shall so certify in their roll and return the same complete to the council at their next regular meeting.

Making of said  
roll by.

To notify owners  
of amount of  
tax.

Property owners  
to aid in fixing  
value of prop-  
erty.

Penalty for  
neglect thereof.

Council to sit as  
a board of re-  
view.

Treasurer to  
present tax  
roll.

Manner of re-  
viewing.

Duty of special  
assessors after  
ratification  
of rolls.

Treasurer to  
collect taxes.

Taxes to be a  
lien on prop-  
erty.

SEC. 3. It shall be the duty of any person or persons owning or controlling property subject to taxation under the provisions of this title, to give the assessing officers all such necessary information, and to make such statements under oath in relation to the value and ownership thereof, as is prescribed by law to be furnished by taxable persons to assessors in making their annual assessments; and for any failure or neglect thereof, any offender shall be subject to the same punishments and penalties as are or may be prescribed by the charter of this city and the statutes of this State.

SEC. 4. For the purpose of hearing appeals or objections to any assessment roll made under this title, the council shall sit as a board of review at such time as they may determine, first giving notice of such meeting that the special assessment roll has been completed; and it shall be the duty of the city treasurer, on the order of the council, to be present and have the regular current tax roll of the ward wherein the property described in the aforesaid special assessment roll is taxable; and said tax roll shall be subject to inspection by any person interested; and the council shall thereupon compare the valuation, or valuations in the special wards with those in the aforesaid tax roll, and may alter, amend, abate, annul or confirm, in whole or in part, the same, after hearing all appeals or objections which may be offered by any party, or parties interested, whereupon the mayor shall be instructed to certify to such confirmation and equalization of the valuations in said special assessment rolls as the council shall direct, and the act of the council shall have the same force and effect as the action of boards of review of regular annual assessment rolls under the laws of this city and the State.

SEC. 5. Upon the ratification and equalization of any special assessment roll, as aforesaid, it shall be the duty of these special assessors, within twenty-four hours thereafter, to enter the description or descriptions and valuation or valuations thereof in the tax roll of the ward wherein the property or person is taxable, and they shall designate all such entries severally, with the words, "added assessments under title special assessments of the city charter," and with date of entry, and they shall carry out against each and every such separate valuation, the same amounts and kinds of city, ward or other taxes as are carried out against other property of like situation and valuation in said tax roll, and they shall enter the total amount of all such taxes in the warrant under the title of "added taxes under title special assessments of the city charter," whereupon they shall certify in such special assessment roll to the performance of such duty, and file the same with the city clerk.

SEC. 6. The treasurer shall collect all such taxes, within the life of the original warrant for the credit of the contingent or other funds of the city, in the manner prescribed by law for the collection of taxes.

SEC. 7. And it shall be the duty of the clerk to charge said taxes to the treasurer in the same manner as he charges all other taxes, and all such taxes shall become a lien upon the

property from and after the date of entry in the tax roll, if the date of entry be subsequent to the date of the original warrant, otherwise, from the date of the original warrant, and such taxes, such property and such valuations shall thereafter be subject to the same rules and provisions of law as other taxes, other property and other valuations, whether entered on the same or subsequent tax rolls.

## TITLE XXII.

### THE FIRE DEPARTMENT AND PREVENTION OF FIRES.

SECTION 1. The council of said city shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department, to organize and maintain fire companies, to employ and appoint firemen, to make and establish rules and regulations for the government of the department, the employes, firemen and officers thereof; and for the care and management of the engines, apparatus, property and buildings pertaining to the department, and prescribing the powers and duties of such employes, firemen and officers.

Council may establish fire department.

To establish rules and regulations.

SEC. 2. The fire chief shall be the chief of the fire department, and subject to the direction of the mayor, shall have the supervision and direction of the department and the care and management of the fire engines, apparatus and property, subject to such rules and regulations as the council may prescribe. And the council may appoint such assistant engineers and other officers of the department as may be necessary, upon the recommendation of such appointees by the fire chief.

Chief of department.

SEC. 3. The fire chief, mayor, city marshal and any alderman or officer of the fire department may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest or direct any policemen or citizen to arrest such person and confine him temporarily until the fire shall be extinguished, and in the same manner such officers, or any of them, may arrest, or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and in addition thereto he shall be punished in such manner as may be prescribed by the ordinances of the city.

Assistance may be commanded to extinguish fires.

SEC. 4. The council may provide by ordinance for the appointment of, and may appoint such number of fire wardens as may be deemed necessary, when they come recommended by the fire chief; for the examination, from time to time, of the stoves, chimney flues, furnaces and heating apparatus and

Fire wardens.

devices in all the dwellings, buildings and structures within the city, and in all places where combustible or explosive substances are kept; and to cause all as are unsafe with respect to fire, to be put in a safe condition.

May purchase  
fire engines.

SEC. 5. The council may purchase and provide suitable fire engines and such other apparatus, instruments and means for the use of the department as may be deemed necessary for the extinguishment of fires, and may sink wells and construct cisterns and reservoirs in the streets, public grounds, and other suitable places in the city, and make all necessary provisions for a convenient supply of water for the use of the department.

Necessary build-  
ings to be pro-  
vided.

SEC. 6. The council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams, and fire apparatus of the department.

Compensation  
for injury to  
firemen on  
duty.

SEC. 7. The council may provide suitable compensation for any injury that any fireman, hook and ladder man, or hose man may receive in his person or property, in consequence of his exertions at any fire.

SEC. 8. The council may by ordinance,

Prescribe duties  
and powers of  
fire commis-  
sioners at  
fires.

*First*, Prescribe the duties and powers of the fire chief, police, engineers, and wardens at fires, and in case of alarms at fires, and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires;

Powers of mayor  
and aldermen  
at fires.

*Second*, Prescribe the powers and duties of the mayor and aldermen at such fires and in case of alarm, but in no case shall the mayor or any alderman control or direct the fire chief or his assistants during any fire;

Provide for ar-  
rest of disorder-  
ly persons at  
fires.

*Third*, Provide for the removal and keeping away from such fires of all idle, disorderly or suspicious persons, and may confer powers for that purpose on the police, and fire chief, the fire wardens or officers of the city;

May compel as-  
sistance from  
citizens in ex-  
tinguishing  
fires.

*Fourth*, Provide for compelling persons to bring their fire buckets to any place of fire, and to aid in the extinguishment thereof by forming lines or ranks for the purpose of carrying water, and by all proper means to aid in the preservation, removal and securing of property exposed to danger by fire;

Compel the  
police to be  
present.

*Fifth*, To compel the marshal, constables and watchmen of the city to be present at such fires, and to perform such duties as the said council may prescribe.

Council may  
prescribe  
fire limits.

SEC. 9. For the purpose of guarding against the calamities of fire, the council may, from time to time, by ordinance, designate such portions and parts of the said city as they shall think proper, within which no buildings of wood shall be erected, and may regulate and direct the erection of buildings within such portions and parts of the city, and the size and materials used in the construction thereof, and the size of the chimneys therein; and every person who shall violate such ordinances or regulations shall forfeit to the city, the sum of one hundred dollars, and every building erected contrary to such ordinance is hereby declared to be a common nuisance, and may be abated and removed by the city marshal and fire chief.

Penalty for vi-  
olation of such  
ordinances.

SEC. 10. The council may, by ordinance, require the owners and occupants of houses or other buildings to have scuttles on the roof of such houses and buildings, and have stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other buildings for not complying with such ordinance, the city marshal and fire chief may, at the expiration of twenty days after such recovery, cause such scuttles, stairs and ladders to be constructed, and the expense thereof shall be a charge against the property, and shall, under the direction of the council, be assessed and collected.

Council may order scuttles and ladders to be built.

Building of same by city and collecting cost of same.

SEC. 11. Whenever any buildings in said city shall be on fire, it shall be the duty and be lawful for the fire chief or city marshal, with the consent of the mayor or city engineer or city attorney, to order and direct such building or any other buildings which they may deem hazardous and likely to communicate fire to other buildings, or any part of such building, to be pulled down and destroyed, and no action shall be maintained against any person or against said city therefor; but any person interested in any such building so destroyed or injured may, within three months thereafter, apply to the council to assess and pay the damages he has sustained. At the expiration of three months if any such application shall have been made in writing, the council shall either pay to the said complainant such sum as shall be agreed upon by them and the said claimant for such damages; or if no such agreement shall be effected, shall proceed to ascertain the amount of such damages, and shall provide for the appraisal, assessment, collection and payment of the same in the same manner as is provided by in this act for the ascertainment, assessment, collection and payment of damages sustained by the taking of lands for purposes of public improvement.

Destruction of buildings to prevent spread of fires.

Compensation for same.

Payment of damages.

SEC. 12. The commissioners appointed to appraise and assess the damages incurred by the said claimant by the pulling down or destruction of the said building by the direction of the said officers of the city, as above provided, shall take into account the probability of the same having been destroyed or injured by fire if it had not been pulled down and destroyed, and may report that no damage should be equitably allowed to such claimant. Whenever a report shall be made and finally confirmed in the said proceedings for appraising and assessing damages, a compliance with the terms thereof by the council shall be deemed a full satisfaction of all said damages of the said claimant.

Report of commissioners as to damages paid by city.

### TITLE XXIII.

#### OF CERTAIN MUNICIPAL REGULATIONS OF POLICE, FIRE ESCAPES FROM HOTELS AND OTHER BUILDINGS.

SECTION 1. It shall be the duty of the board of building inspectors to examine from time to time, at least once in each

Duties of board of building inspectors.

Report of.	<p>year, within the limits of the city, any hotel, public inn, factory, mill, warehouse, workshop, opera house, theater, public hall, place of amusement or entertainment, or any place used for public or private assemblages, or any building where male or female help is employed, and submit without delay to the council such recommendations, in addition to the provisions and requirements of this act, or provisions of the statute of this State, relative to the necessary protection against fire, and the escape therefrom.</p>
Owners of hotels, etc., to provide fire escapes.	<p>SEC. 2. It shall be the duty of the owner, proprietor, lessee or keeper of any hotel, or public inn, more than two stories in height, to provide suitable ladders, or other safe fire escapes, from each and every story above the ground floor of such hotel or public inn, such ladders or fire escapes to be always accessible from each floor above the second story and each room therein of such building.</p>
Owners of factories, etc., to provide fire escapes.	<p>SEC. 3. It shall be the duty of the owner, proprietor or lessee of any building, factory, mill, warehouse or workshop, more than two stories in height, where male or female help is employed above the second story in such building, to provide suitable ladders, or such other fire escapes as may be necessary for the escape of such help or other persons occupying such building, in case of fire.</p>
Duties of council on receiving report.	<p>SEC. 4. It shall be the duty of the council, on receiving such report, to direct all such needful alterations and additions to such places as recommended for the safety and escape from fire, to be made within such reasonable time as they may determine, by causing a written or printed notice to be served on the owner, proprietor, manager, lessee, or keeper of such several places, stating therein fully such alterations and additions to be made, and the time for their completion. The expenses incurred in providing such ladders or fire escapes, or in making such needful alterations or additions, shall be paid by the owners of such places.</p>
Penalty for neglect or refusal of duty.	<p>SEC. 5. If any such owner, proprietor, manager, lessee, or keeper of any such places named in this act, or in any act passed by the legislature, shall neglect or refuse to comply with any such requirements within the time and in the manner specified in such notice, he or they shall be liable to a fine of not less than twenty-five dollars, or more than one hundred dollars, for each and every month that he or they shall fail to comply with the provisions of this act, and all fines accruing under and by virtue of this act, shall be collected in such manner as is now provided by law.</p>
Compensation, how paid.	<p>SEC. 6. Each member of this board of building inspectors shall be entitled to receive for each day he shall be actually employed in inspecting any building under the provisions of this act, or act number two hundred and twenty-six of the laws of eighteen hundred and seventy-nine and acts amendatory thereto of this State, to be paid by the owner or person requesting such inspection and examination, such sums as may be fixed by the council: <i>Provided</i>, That if such inspection is</p>
Provided.	



performed by order of the council then they may be paid for such service from the contingent fund upon the order of the council.

## TITLE XXIV.

### RECORDER'S COURT.

SECTION 1. There shall be created and hereby established a recorder's court in said city of Traverse City. The judge of said court shall be an admitted practicing attorney, a resident of said city, and shall hold his court within said city and attend to all complaints of a criminal nature which may properly come before him. He shall, within ten days after being notified of his election thereto, qualify in the same manner and with like effect as is required of other city officers, and in addition thereto shall file with the city clerk a bond to the city of Traverse City in the penal sum of two thousand dollars with sufficient sureties to be approved of by the mayor, conditioned for the faithful performance of his duties as such recorder: *Provided also*, That he shall qualify in the same manner and with like effect as justices of the peace of townships are required to do by the laws of this State.

To establish a recorder's court.

Judge to qualify.

To file bonds.

Proviso.

SEC. 2. Such recorder shall have exclusive jurisdiction to hear, try and determine all actions and prosecutions for the recovery and enforcement of fines, penalties and forfeitures imposed by the by-laws or ordinances of the city, and to punish offenders for the violation thereof. And shall also have exclusive jurisdiction to hear, try and determine any actions and prosecutions arising [for] from violations of any law of the State where such offenses are committed within the city of Traverse City, and cognizable by a justice of the peace, and shall also have jurisdiction in like cases to examine all parties charged with offenses not so cognizable by a justice, and to hold such parties for trial to the circuit court of Grand Traverse county. And appeals from said recorder's judgments may be made to the circuit court for Grand Traverse county in the same manner as appeals from justice court judgments are made by law.

Shall have exclusive jurisdiction.

Appeals from recorder's judgment may be made to circuit court.

SEC. 3. In the trial of all criminal cases in such recorder's court the questions of law arising during such trial shall be determined by the court, and it shall be his duty to instruct the jury as to the law applicable to the case, which instructions shall be received by the jury as the law of the case, the same as in circuit courts in this State, but all questions of fact shall be determined by a jury called, and in all respects conducted as in justice courts within this State; and appeals may be made to the circuit court for Grand Traverse county in the same manner as is now provided for appeals from justices and police justices courts.

Questions of law to be determined by the court.

Questions of facts, by the jury.

SEC. 4. In case of the absence or inability of such recorder to act he may designate some justice of the peace of said city to perform his duties in such cases. But the expenses attendant upon the hearing of such case before a justice shall be

In the absence of the recorder, who to act.

Vacancy,

borne by the recorder. In case of vacancy in the office of judge of recorder's court, the mayor by and with the consent of the city council, shall appoint some duly qualified person to fill such vacancy till the next annual city election.

When fines and penalties received by the recorder to be paid over to the county treasurer.

SEC. 5. All fines, penalties and costs collected or received by such recorder, for or on account of the violation of the penal laws of the State, shall be paid over to the county treasurer of Grand Traverse county on or before the first Monday of the month next after the collection or receipt thereof, and a receipt from the county treasurer shall be filed with the clerk of said county showing the amount of such costs and fine. The costs shall be placed to the credit of the contingent fund of the county, and the fine money so collected or received and paid over to the county treasurer as aforesaid shall be placed to the credit of the library fund and disposed of as provided by law.

Costs to be placed to credit of contingent fund.  
Fines to credit of library fund.

Fines, penalties and costs collected for violations of by-laws or ordinances, fund credited to.

SEC. 6. All fines, penalties and costs collected or received by such recorder for or on account of the violation of any by-laws or ordinances of the city, shall be paid over to the city treasurer on or before the first Monday of the month next after the collection or receipt thereof and a receipt from the city treasurer shall be filed with the city clerk showing the amount of such costs and fines. All such costs shall be placed to the credit of the general fund of the city and all fines so paid over shall be placed to the credit of the library fund of the city to be used as provided in this act for the use of other public library money.

Recorder to report all criminal prosecutions to prosecuting attorney.  
To certify convictions to county clerk.  
To report to council all fines, penalties and costs received.

SEC. 7. Such recorder shall report to the prosecuting attorney all criminal prosecutions commenced in said court; and shall certify all convictions to the county clerk in the manner as required by law for justices of the peace and shall report to the city council at the first regular meeting thereof in each month all fines, penalties and costs received by him since the last preceding report and the amount thereof paid to the city treasurer. Such report shall also show the name of every person prosecuted in said court under the city ordinances, and the disposition of each case, with the fine, costs and time of imprisonment, if any, in each case.

Salary.

SEC. 8. The recorder shall receive such annual salary, payable quarter yearly as the council of the city shall, by ordinance, prescribe: *Provided*, That one-half of said salary shall be paid by the county of Grand Traverse in consideration of the services in criminal cases as above prescribed.

Proviso.

Council to provide and maintain a place for recorder's court.

SEC. 9. The council of the city shall have power and it shall be their duty to provide, maintain and suitably furnish a place for the transaction of the business of the recorder's court, which place shall have such offices, rooms and apartments as may be deemed appropriate, and shall also furnish the necessary light, fuel, seal, blanks, dockets, etc., for conducting the court: *Provided*, That the council shall have power to provide such place by rental, or by purchase, or in any other manner not inconsistent with this act: *Provided further*, That one-half of all the costs and expenses of said city in the maintain-

Proviso.

Further proviso.

ing and providing for said court shall be paid by Grand Traverse county, except as otherwise provided for in this title; such expenses shall be properly itemized and certified to by said court, and by the city clerk presented to the board of supervisors of said county at each annual session of said board, and if found correct, at the same session they shall audit and allow the same, and order the payment thereof from the county treasury to the city clerk, who shall deposit the same in the city treasury to be placed to the credit of the contingent fund of the city.

## TITLE XXV.

### POLICE.

SECTION 1. The said city is hereby empowered and authorized to maintain a police force for the good government of said city and for the protection of the persons and property of the inhabitants. Authorized to maintain police force.

SEC. 2. The police force of said city shall consist of such number of policemen and night watchmen as the council may deem necessary, and shall from time to time by resolution direct. The number of said policemen may be increased or diminished by the council at any time when in their judgment the emergency or necessity may require. Number of police.

SEC. 3. The said policemen and night watchmen shall be appointed by the mayor by and with the consent and approval of the council, and shall hold their offices during the pleasure of the mayor, and receive such compensation as the council may provide. Appointed by mayor.

SEC. 4. No person shall be appointed to said police force except he be a qualified elector of said city, and in making appointments to said force preference shall be given to permanent residents possessing property and paying taxes in said city, but such appointments shall in all cases be made with due regard to the efficiency of said force and the good order and government of said city. And no person shall be appointed to said force excepting he be a person of good moral character and temperate habits. Who to be appointed.

SEC. 5. No person, directly or indirectly engaged or interested in the sale of intoxicating liquors in the said city, or in any saloon, variety theater, or other place where intoxicating liquors are sold, shall be eligible to appointment to the police force of said city. Who eligible to appointment.

SEC. 6. Any policeman or night watchman frequenting saloons, or places where intoxicating liquors are sold, becoming intoxicated, or who shall drink any intoxicating liquors, or shall buy, give, furnish, or cause to be furnished to any other person any such intoxicating liquor or admixture thereof, frequenting houses of ill repute, or who shall be guilty of any disorderly conduct, or any violation of this act, the ordinances of this city, or penal laws of this State, shall be forthwith removed from office; and any policeman or night watchman leaving his Causes for removal.

- Provided.** beat and found in any saloon, hotel or public resort during his hours of duty, shall be suspended or removed from office, and shall not be again appointed to said police force: *Provided*, That nothing in this section shall be construed to prevent any officer from carrying into effect any ordinance of the council, or the penal laws of this State, in this act contained.
- Report to council.** SEC. 7. The several policemen and night watchmen of said city shall make monthly reports to the council, which reports shall be substantially the same as the reports hereinbefore required to be made by the city marshal, and shall have attached thereto the form of affidavit this act requires to be made by the city marshal.
- Council to make rules for the government of police.** SEC. 8. The council may make and establish rules for the regulation and government of police, prescribing and defining the powers and duties of policemen and night watchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from any personal violence and protect public and private property from destruction by fire and from unlawful depredation. And the mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergencies may require; but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than six days.
- Marshal to be chief of police.** SEC. 9. The city marshal, subject to the direction of the mayor, shall, as chief of police have the superintendence and direction of the policemen and night watchmen, subject to such regulations as may be prescribed by the council.
- Duties of police.** SEC. 10. It shall be the duty of the police and the night watchmen and officers of the force, under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, to suppress all riots, disturbances and breaches of the peace, to pursue and arrest any person fleeing from justice, in any part of the State; to apprehend any and all persons in the act of committing any offense against the laws of the State, or the ordinances of the city, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaints to the proper officers and magistrates of any person known or believed to have been guilty of the violation of the ordinances of the city, or the penal laws of the State; and at all times diligently and faithfully to enforce such laws, ordinances and regulations for the preservation of good order and the public welfare as the council may ordain.

## TITLE XXVI.

## CITY PRISON.

- Common council to provide and maintain a city prison.** SECTION 1. The council of said city shall have power to provide and maintain a city prison, and such watch or station houses as may be necessary, and may provide for the confine-

ment therein of all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those imprisoned therein.

SEC. 2. All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines for violations of the ordinances of the city, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe.

Prisoners may be kept at hard labor.

SEC. 3. Until such time as the council shall, by ordinance, prescribe regulations relative to employment of persons sentenced to confinement in the city prison, it shall be the duty of the city marshal to see that all such prisoners, not being cripples, who are in good health and who are not incapacitated to labor by reason of illness, infirmity or bodily injury are employed for at least ten hours per day at labor during the period of their confinement, and for such purpose may place all such prisoners in the custody of the board of public works of said city, properly manacled to prevent their escape, and compel them to labor under the direction of the said board of public works upon the streets or walks of said city, or upon any public improvements of said city; and it is further hereby made the duty of the city marshal and the board of public works of said city to prevent the escape of all such prisoners and to return them to the city prison during the intervals when not employed.

Employment of prisoners.

SEC. 4. The words, "City prison," whenever mentioned in this title, shall be construed to include the county jail of said county, and the provisions of this title shall apply to all prisoners sentenced to the county jail of the county of Grand Traverse, by any of the justices of the peace of said city, for the violation of any of the provisions of this act or the penal laws of this State, who might have been sentenced by any of said justices to imprisonment in the city prison.

Prison to include the county jail.

SEC. 5. The keeper of the county jail shall be bound to take official notice of the provisions of this title, and deliver to the city marshal, under the provisions of this title, all prisoners whom the city marshal is required to employ at labor, and to receive and safely keep all such prisoners in the intervals of labor when returned to him by the said city marshal.

Keeper of county jail to deliver prisoners to city marshal.

## TITLE XXVII.

### POUNDS.

SECTION 1. The council may provide and maintain one or more pounds within the city, and may appoint poundmasters, prescribe their powers and duties and fix their compensation, and may authorize the impounding of all beasts, geese and other fowls, found in the city streets or otherwise at large contrary to any ordinance of the city, and if there shall be no

Pounds, pound-master.

pound or poundmaster, they may provide for the impounding of all beasts, geese and fowls, by the city marshal, in some suitable place under his immediate care and inspection, and may confer on him the duties and powers of poundmaster.

Fee for impounding.

SEC. 2. The council may also prescribe the fees for impounding, and the amount of rate of expenses for keeping, and the charges to be paid by the owner of the beasts, geese or fowls impounded; and may authorize the sale of such beasts, geese and fowls for the payment of such fees, expenses and charges, and for penalties incurred and may impose penalties for resouing any beast or thing impounded.

## TITLE XXVIII.

### REGULATION OF HARBOR, WHARVES, ETC.

Council to have power to preserve and regulate the navigation consistent with U. S. laws.

SECTION 1. The council shall have power to preserve and regulate the navigation of the waters of Grand Traverse bay, Boardman lake and Boardman river, within the limits of said city, so far as the same is consistent with the laws of the United States and the laws of this State; to prohibit and prevent the deposit of any earth or substance tending to impede the navigation thereof; or that may be injurious to public health; to remove all obstructions that may at any time occur therein; to regulate the speed of coming to or departing from the docks, wharves and landings by boat and water craft, and generally to enact and enforce such ordinances and regulations, as in the opinion of the council shall be most conducive to the orderly, safe and convenient use and occupancy of the navigable waters, docks, wharves and landings within the city.

Power to construct and control public wharves within city limits.

SEC. 2. The council shall have power to establish, construct, maintain and control public wharves upon any lands or property belonging to the shore or banks of said river or bay within the said city, not the property of individuals, to the extent to which the State can grant the same, and the council may lease wharfing or landing privileges upon any of the public wharves, docks or landings, but not for a longer period than ten years, and in such manner as to preserve the right of all persons to a free passage over the same with their baggage.

Docks, wharves and landings to be in conformity with established grade.

SEC. 3. The council shall have authority also to cause and require the docks, wharves and landings, whether upon public grounds or upon the property of private individuals to be constructed and maintained in conformity with such a grade as may be established therefor by the council, and prescribe the line beyond which any such wharf, dock or landing shall not be constructed or maintained: *Provided*, That the above provisions shall not apply to the removal of private docks already constructed.

Proviso.

Council to prohibit the incumbering of wharves.

SEC. 4. The council shall have authority to prohibit the incumbering of the public wharves and landings, and to regulate the use of all wharves, docks and landing places within the city; to regulate the use of wharf boats; and to regulate

and prescribe the rates for landing, wharfage and dockage at all public wharves, docks and landings and to collect wharfage and dockage from boats, water crafts and floats landing at or using any public landing place, wharf or dock within the city.

SEC. 5. In the absence of any other provision the city marshal shall, by virtue of his office, be harbormaster of the city. The council, however, may designate or appoint any other competent person or officer of the city to be harbormaster, and may appoint such other officers as may be necessary for the enforcement of all such ordinances and regulations as the council may lawfully enact and prescribe in respect to and over the navigable waters, wharves, docks and landing places within the city, and prescribe the powers and duties of such harbormasters and other officers, and fix the compensation to be paid them.

When marshal shall be harbormaster, Council to appoint harbormaster.

SEC. 6. The harbormaster shall have full police powers over the waters within the city, and shall enforce the ordinances of the city in regard thereto. It shall be the duty of every captain, master, owner or other person in charge of any vessel or boat to comply with the ordinances of the city and to obey the instructions and directions of said harbormaster, and in case of any neglect or refusal so to do, it shall be the duty of the harbormaster to move said boat or vessel, and for that purpose he may employ men and tugs, and may enter upon and take and retain possession of said boat or vessel until the reasonable expenses paid by him are paid by the master or other person having charge of said boat or vessel. Any captain, master, owner or other person in charge of any vessel who shall neglect or refuse to comply with the instructions and directions of the harbormaster in the performance of his duties, shall be deemed guilty of a misdemeanor and punished accordingly.

Powers of harbormaster.

Duty of vessel owners, etc., to comply with city ordinances.

Penalty for refusal to comply with ordinance.

## TITLE XXIX.

### MARKETS.

SECTION 1. The council of said city shall have the power to erect market houses, establish and regulate markets and market places, for the sale of meats, fish, vegetables, and other provisions and articles necessary to the sustenance, convenience and comfort of the inhabitants; to prescribe the times for opening and closing the same; the kind and description of articles which may be sold, and the stands and places to be occupied by the venders.

Markets, regulation of.

SEC. 2. The council may adopt and enforce such rules and regulations as may be necessary to prevent frauds, and to preserve order in the markets; and may authorize the immediate seizure, arrest and removal from the market, of any person violating its regulations, together with any articles in his or their possession, and may authorize the seizure and destruction of tainted or unsound meats, or other provisions exposed for sale therein.

Council to adopt rules to prevent fraud.

## TITLE XXX.

## WATER WORKS.

City to acquire  
water works.

Operate the  
same.

Expense  
limited.

Electors vote  
upon the  
question.

Majority vote.

Mayor to exe-  
cute.

Power of corpo-  
ration.

Council shall  
provide for  
payment.

SECTION 1. It shall be lawful for the city of Traverse City to acquire by purchase, or to construct, or to become a stockholder in such company, in the water works now in operation under contract and franchise made and granted by the council of the village of Traverse City, or any other water supply company, and operate and maintain works for the purpose of supplying the city and inhabitants thereof with pure and wholesome water for the extinguishment of fires, the ordinary and extraordinary uses for dwellings, stores, hotels, mills, factories, lawns, barns, and all other buildings, and for such other purposes as the council may prescribe, on such terms and conditions as the council shall direct; but the entire expense of such works at the time acquired shall not exceed the sum of five per cent on the taxable property within the city, subject to any other limitations by the laws of this State. Whenever the council of said city shall, by resolution, declare that it is expedient for the city to acquire by purchase, or to construct, or to become a stockholder in, the water works now in operation as aforesaid, or any other water supply company, and to extend, operate and maintain such water works for the purpose within prescribed, it shall submit to the tax paying electors of the city, at its annual election, or at a special election called for that purpose by the council, the question of borrowing money therefor within the limits aforesaid. Such special or general election to be called, and the vote had and determined in the manner provided for in section fifteen of title twenty of this act. If a majority of such tax paying electors shall vote for the borrowing of any sum of money for any such purpose, it shall be lawful for the council to negotiate such loan, issue the bonds or other evidence of indebtedness of the city therefor, and fix the time and place of paying the principal and interest. And the council shall specify by resolution the number of shares to be taken, in the purchase, and require the mayor of the city to carry out the directions by subscribing for the number of shares of stock indicated upon the books of the company, or otherwise procure title to the whole or an undivided interest therein.

SEC. 2. Such corporation or company shall have all the powers and privileges prescribed in this act, relative to corporations, and acts governing the introduction of water into towns, cities and villages.

SEC. 3. It shall be the duty of the council of the city to cause to be levied and collected such sums of money as may be required to pay the principal and interest of any indebtedness incurred by the city under the power and authority granted under this title.



## TITLE XXXI.

## ELECTRIC LIGHTING AND POWER.

SECTION 1. It shall be lawful for the city of Traverse City to construct, or to become a stockholder in, or to acquire by purchase in whole or in part, any such electric lighting and power works, and operate and maintain such works for the purpose of supplying such city, and the inhabitants thereof, with electric light and power and for any other purpose, on such terms and conditions as the council shall direct, but the entire expense of such works shall not exceed the sum of two and one-half per cent upon the taxable property within the city. Whenever the council shall, by resolution, declare that it is expedient for the city to acquire by purchase, or to construct, or to become a stockholder in, or to purchase in whole or in part, any electric lighting and power works operating in whole or in part within the limits of Traverse City, or any such plant producing electricity which is available for use within said city, for the purpose of supplying the city and its inhabitants with electric lighting and power, it shall submit to the tax paying electors of the city at an annual or special election for that purpose, the question of borrowing money therefor within the limit aforesaid. Such annual or special election to be called and the vote had and determined in the manner provided for in section fifteen of title twenty of this act. If a majority of such tax paying electors shall vote for the borrowing of any sum of money for any such purpose, it shall be lawful for the council to negotiate such loan, issue the bonds or other evidence of indebtedness of the city therefor, and fix the time and place of paying the principal and interest. And the council shall specify by resolution the number of shares to be taken, or the interest that shall be purchased, and require the mayor of the city to carry out the directions by subscribing for the number of shares of stock indicated upon the books of the company, or otherwise procure title to the whole, or any interest therein.

City may acquire electric light works.

Operate the same.

Expense limited.

Electors to vote as to raising money for such works.

Majority vote prevails.

Mayor to execute.

SEC. 2. Such corporation or company shall have all the powers and privileges prescribed in the act relative to corporations, and acts governing the introduction and use of electric light and power in cities and villages.

Power of corporation.

SEC. 3. It shall be the duty of the council of the city to cause to be levied and collected such sums of money as may be required to pay the principal and interest of any indebtedness incurred by the city under the power and authority granted under this title.

Council to provide for payment of.

## TITLE XXXII.

## APPROPRIATION OF PRIVATE PROPERTY.

City may take property for certain purposes.

SECTION 1. The said city shall have power to take private property for public use and benefit for the following purposes:

*First*, To open highways, streets and alleys for public use, and to extend, widen and straighten the same;

*Second*, To open private roads and alleys;

*Third*, To obtain sites for public buildings and parks of such city;

*Fourth*, To lay out and open public squares, spaces, market grounds and parks;

*Fifth*, To lay through private property, public sewers, water pipes and gas pipes; electric light and power poles and wires;

Property taken in accordance with general law.

*Sixth*, Whenever requisite private property, rights, privileges and easements, either within said city, or within six miles of the corporate limits of said city, not acquired by purchase, may be taken for any of the purposes aforesaid, when the council shall so declare by resolution, in accordance with the general laws of this State relating to the taking of private property for public use.

## TITLE XXXIII.

## MISCELLANEOUS PROVISIONS.

Examinations of sureties of city officers.

SECTION 1. The council, or the mayor, whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer of whom a bond or instrument in writing may be required, under the provisions of this act, shall examine into the sufficiency of such sureties, and shall require them to submit to an examination, under oath, as to their property; such oath may be administered by the mayor or any alderman of the city. The deposition of the surety shall be reduced to writing, be signed by him, certified by the person taking the same, and annexed to and filed with the bond or instrument in writing to which it relates.

Deposition of surety to be made in writing.

Mayor and chairman of committees may administer oaths.

SEC. 2. The mayor, or chairman of any committee or special committee of the council, shall have power to administer an oath, or take an affidavit in respect to any matter pending before the council, or such committee.

False swearing to be perjury.

SEC. 3. Any person who may be required to take an oath or affirmation, under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit or otherwise wilfully swear falsely as to any material fact or matter shall be guilty of perjury.

Suit against city officers for obeying commands of superior.

SEC. 4. If any suit shall be commenced against any person elected or appointed under this act to any office for any act done, or omitted to be done, under such election or appointment, or against any person having done any thing or act by

command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law.

May recover double costs.

SEC. 5. All process used against said city shall run against said city in the corporate name thereof, and such process shall be served by leaving a true and attested copy of such process with the mayor or clerk of said city at least ten days before the day of appearance mentioned therein.

Process against city.

SEC. 6. All ordinances, by-laws and resolutions formerly in force in the village of Traverse City, and in force in said village at the date of the passage of this act and not inconsistent herewith, shall continue in force and effect until repealed or amended by the council of said city.

Ordinance formerly in force in the village.

SEC. 7. The style of ordinances shall be, "Be it ordained by the council of Traverse City." All ordinances shall require for their passage the concurrence of a majority of all the aldermen elected. The time when any ordinance shall take effect shall be prescribed therein. Such time when the ordinances imposes a penalty, shall not be less than twenty days from its passage.

Style of ordinances.  
Vote necessary for passage in council.  
Necessary time to make effectual.  
Time when penalty is imposed.

SEC. 8. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever belonging to the corporation, or any board thereof, to his own use, or shall directly or indirectly and knowingly appropriate or convert the same to any purpose than that for which such moneys, securities, evidences of value, or property, may have been appropriated, raised or received, or to any purpose not authorized by law, he shall be deemed guilty of wilful and corrupt malfeasance in office, and may be prosecuted, tried, and if convicted thereof, may be punished by fine not exceeding one thousand dollars or by imprisonment in the State prison for a period not exceeding three years, or both, in the discretion of the court.

Any officer appropriating money to his own use, guilty of malfeasance.

Penalty.

SEC. 9. The council shall have power to contract with some bank, banks, banker or bankers in said city for the safe keeping of the public moneys belonging to, or in the custody of said city, and for the payment of interest thereon, at a rate not exceeding that established by law, upon such moneys of the corporation or in its custody, and deposited with such bank, banks, banker or bankers, and to be drawn on account current from such bank, banks, banker or bankers, by said city, or proper officer thereof, and such interest shall belong and be credited to the contingent fund of said city. And the council may, by ordinance or otherwise, make such rules and regulations, and prescribe such conditions relative to the letting of said contract, the drawing upon said moneys so deposited, and the securities to be given by such a bank, banks, banker or bankers, for the moneys so deposited as to said council may seem just and for the best interests and securities of said city.

Council may contract with banks for keeping of city moneys and interest thereon.

Rules for letting of such contract.

SEC. 10. All persons being habitual drunkards, destitute and without visible means of support, or who being deemed

Who deemed vagrants.

such habitual drunkards, who shall abandon, neglect or refuse to aid in the support of their families; all able bodied and sturdy beggars, who may apply for alms or solicit charity; all persons wandering abroad, lodging in watchhouses, out-houses, market places, sheds, stables or uninhabited dwellings, or in the open air, not giving a good account of themselves; all common brawlers and disturbers of the public quiet; all persons wandering abroad and begging, or who go from door to door, or place themselves in streets, highways, passages, or other public places, or beg alms within the said city, shall be deemed vagrants, and may, upon conviction before any justice of the peace of said city, be sentenced to confinement in the county jail or city penitentiary for any time not exceeding sixty days.

Imprisonment.

Platting of lots.

Owner to file with city clerk, survey, etc.

SEC. 11. No lands or premises shall hereafter be laid out and platted into lots, streets and alleys within the city, until the proprietor shall file with the city clerk a correct survey, plan and map of such grounds and subdivisions thereof, platted and subdivided, showing also the relative position and location of such lots, streets and alleys, with respect to the adjacent lots and streets of the city; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in the office of the register of deeds, until a certificate has been endorsed thereon by the city clerk, under the seal of the city, showing that such plat and dedication has been filed with [the] city clerk: *Provided*, That the council may at their discretion and as the convenience of the public seems to demand change the name of any street or streets within the city limits.

Proviso.

Council to determine location of lots for purposes of taxation.

SEC. 12. In case any question shall arise as to which ward any certain lot, piece or parcel of land shall belong for purposes of assessment and taxation where the boundary line of any two wards shall divide such lots, piece or parcel of land, then in such case the council shall have the authority to determine the question and decide to which ward such lot, piece or parcel of land belongs for the purposes of assessment and taxation, and any such determination and decision shall be conclusive and final.

Affidavits of publication to be evidence.

SEC. 13. When by the provisions of this act, notice of any matter or proceeding is required to be published or posted, and an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was published, or by some person in his employ having a knowledge of the facts, if such notice was required to be by publication, or by the person posting the same, when required to be by posting, and filed with the city clerk, or any other competent proof of such fact, shall in all courts and places be presumptive evidence of the facts therein contained. It shall be the duty of the city clerk to see that all such affidavits are duly made and filed.

Consent of mayor, clerk or council necessary before anything can be purchased for city.

SEC. 14. No property, supplies, or other article of whatever name or nature shall be purchased for or in behalf of the city, unless ordered by a vote of the council or with written consent of the mayor or city clerk. The city clerk shall keep

a record of all property purchased for the city, and shall charge the same to the officer or department for whom the same was purchased and receiving the same, and shall report annually to the council, on the last Monday in March, a detailed list or statement of all such property or supplies purchased and to whom delivered. It shall also be the duty of each and every officer and employé of the city to make a report annually in writing, on the last Monday in March, of all property or effects in his hands or under his control belonging to the city, which several reports shall be referred to a committee of the council for examination. Any officer or employé of the city who shall fail or neglect to make the report provided in this section shall be guilty of a misdemeanor and may be prosecuted, tried and convicted therefor, according to law.

Clerk to keep record of purchases.  
To report annually to council.

Every officer of the city to report to council all city property in his possession.

Penalty for neglect.

SEC. 15. Any person arrested by virtue of any process issuing from any court of justice in said city, or by authority of any officer of said city, may be confined in the city penitentiary in the same manner as prisoners are, or may be detained in the jail of Grand Traverse county, and the law of this State prohibiting escape or any other act detrimental to the safety of prisoners in the county jail shall apply to said prison: *Provided*, That the council or mayor of said city may at any time direct any or all such prisoners to be removed from said penitentiary to the jail of the county of Grand Traverse: *And provided*, Such prisoners, or any of them, may, at any time, in the first instance, be confined in the said county jail whenever the same may be deemed necessary by said council; and the keeper of said jail or penitentiary shall be allowed such compensation for keeping and providing for prisoners confined therein as the council may determine to be just and reasonable, not exceeding the amount allowed by the supervisors for the Grand Traverse county prisoners.

Confinement of persons in city and county prisons.

Provide.

Further provide.

Compensation to keeper for providing for prisoners.

SEC. 16. All suits which shall be brought to recover any penalty or forfeiture for the violation of any ordinance of the council shall be brought in the name of the city of Traverse City, under the direction of the council or of the attorney of said city; and no person being an inhabitant, freeman or freeholder, of said city shall be disqualified for that cause from acting as judge, justice or juror in the trial or other proceeding, in any suit brought to recover a forfeiture or penalty for the violation of any provision of this act, nor for violation of any ordinance of the council, nor from serving any process or summoning a jury in each suit, nor from acting in such capacity, nor being a witness on the trial of any issue, nor upon the taking or making any inquisition or assessment, nor any judicial investigation of facts, to which issue, inquest or investigation, the said city, or any city or ward officer is a party, or in which said city or officer is interested; nor shall any judge of any court be disqualified to hear and adjudicate on an appeal in any matter originating in said city, because he is an inhabitant thereof.

All suits to recover penalty to be in name of city.

No one to be disqualified from taking part in proceedings as juror or judge because an inhabitant of said city.

Judgment against city may be appealed to circuit court.

No bond required from city.

Issuing of execution for penalty recovered.

Penalty recovered may be applied to pay costs of prosecution.

Expenses of prosecution of State offenders to be paid by supervisors.

Mayor may purchase outstanding bonds. *Proviso.*

Council may remit tax.

No money to be drawn from city treasury unless appropriated.

SEC. 17. If any judgment in any action shall be rendered against the said city by any justice of the peace, such judgment may be removed by appeal to the circuit court for the county of Grand Traverse, in the same manner and with the same effect as though the city were an actual person, except that no bond of recognizance to the adverse party shall be necessary to be executed by or in behalf of said city.

SEC. 18. Every execution for any penalty or forfeit recovered for the violation of any of the provisions of this act, or for the violation of any by-law or any ordinance of the said city may be issued immediately on the rendition of the judgment, and shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the county jail or city penitentiary for such time as shall have been directed by the ordinance of the council.

SEC. 19. The council may direct any moneys that may have been recovered for the penalties or forfeitures to be applied to the payment of any extra expense that may have been incurred in apprehending offenders, or in subpoenaing or defraying the expenses of witnesses in any suit for such penalties and forfeitures, or in conducting such suits.

SEC. 20. The expenses of apprehending, examining and committing offenders against any law of this State, in the said city, and of their confinement, shall be audited, allowed and paid by the supervisors of the county of Grand Traverse, in the same manner as if such expenses had been incurred in any town of the said county.

SEC. 21. The mayor, by and with the consent of a majority of the council elect, shall have the power to negotiate for outstanding bonds not yet due, and may purchase the same: *Provided*, That the cost thereof does not exceed the face value of said bonds, with the matured interest; and for such purpose may issue city bonds at a rate of interest not exceeding seven per cent, but no such bond shall be issued except for the purpose of funding the bonded indebtedness, and only in such amount as can be substituted for said bonds. No bonds issued by virtue of this section shall be sold for less than their face value.

SEC. 22. The council shall have the power, by a two-thirds vote of all the members elect, the mayor voting with said two-thirds, to remit any or all tax, when in their judgment it is for the best interest of the public, and immediately upon their deciding to remit any tax as hereinbefore mentioned, the clerk shall be instructed to draw an order upon the contingent fund of said city, for the amount of said tax so remitted, and place the same in the hands of the treasurer, which order shall be a voucher for him for the tax so remitted, and the treasurer shall immediately indorse on his roll said remitted tax as paid.

SEC. 23. No money shall be drawn from the city treasury, except school moneys, unless it shall have been previously appropriated to the purpose for which it shall have been drawn; and all ordinances, resolutions and orders directing the

payment of money shall specify the object and purposes of such payment, and the fund from which it shall be paid, which shall be certified by the clerk, and countersigned by the mayor, before the same shall be paid by the treasurer.

State fund to be drawn from.

SEC. 24. No bond, obligation or evidence of indebtedness of said city shall ever be given or issued, nor shall any debt be contracted by said city, or by any officer thereof in his official capacity, whereby the said city shall become obligated to pay any sum of money, except as expressly provided in this act, or by an act of the legislature. Nor shall any order or warrant for the payment of money be drawn upon the treasury when there shall not be sufficient funds in the treasury to pay the same, except in payment of the necessary contingent expenses of the city, unless the same shall have been submitted to and voted for by the electors of said city in conformity to this act, or an act of the legislature: *Provided*, That in cases of special assessment, under any title of this act, orders or warrants may be drawn to the amount of the assessments made.

Contracting of debt by city, to be according to this act.

Electors to authorise payment of certain orders when no money in fund to pay same.

Proviso.

SEC. 25. The council shall have power and authority to make and establish all necessary by-laws for the assessment and collection of taxes, and every local, special or general assessment, or tax lawfully imposed by said council, on any lands, tenements, hereditaments and appurtenances whatever in said city.

By-laws for the collection of taxes.

SEC. 26. The council of Traverse City at its first meeting after the first election to be held under this act shall cause the books and accounts of said village of Traverse City to be examined and balanced in such manner as to show the exact conditions of all the finances of the village, and to show the exact amount of money on hand in each fund of said village, and cause to be done whatever else may be necessary to show the exact condition of the affairs of said village.

Council to balance books, etc., of village.

SEC. 27. The officers of said village shall transfer to the proper officers of said city all books, papers, vouchers and property of every kind in their respective offices or under their control and management belonging to said village; and the treasurer of said village shall also turn over to the treasurer of said city all moneys in his hands or under his control belonging to said village. Upon the audit of the account of said village treasurer by the council of said city, and the payment of said moneys to the city treasurer as aforesaid, his bondsmen shall be deemed to be released from any liability for any disposition made of said city moneys after that date. The council shall make disposition of said moneys so received from the village treasurer, as aforesaid, into the several general funds provided for by section nine of title twenty of this act.

Village officers to transfer books, etc.

Disposition of moneys.

SEC. 28. The council of Traverse City at its first meeting held after the first election to be held under this act shall cause the books and accounts of the said township of Traverse and school district therein to be examined and balanced in such manner as to show the exact condition of all the finances of the said township and school district, and to show the exact amount of money on hand in each fund of said township and

Council to balance books, etc., of township of Traverse and school district No. 1 in said township.

school district, and cause to be done whatever else may be necessary to show the exact condition of the affairs of said township and school district therein.

Township officers and school district officers to transfer books, etc.

Disposition of township moneys.

Disposition of school moneys.

SEC. 29. The officers of said township and the school district therein, shall transfer to the proper officers of said city, all books, papers, vouchers, township library, and property of every kind in their respective office, or under their control and management, belonging to said township and school district; and the treasurer of said township shall also turn over to the treasurer of said city all moneys in his hands or under his control belonging to said township. Upon the audit of the account of said township treasurer by the council of said city and the payment of said moneys to the city treasurer, as aforesaid, his bondsmen shall be deemed to be released from any liability for any disposition made of said city moneys after that date. The council shall make disposition of said moneys as received from the township treasurer, as aforesaid, into the several general funds provided for by section nine of title twenty of this act: *Provided also*, That the treasurer of school district number one or of public schools therein in said township shall also turn over to the treasurer of the "board of education of the city of Traverse City," all moneys and evidence of credit in his hands or under his control belonging to said school district or public schools. Upon the audit of the account of said treasurer by the council of said city and the payment of said moneys to the treasurer of the board of education of said city, as aforesaid, his bondsmen shall be deemed to be released from any liability for any disposition made of said moneys after that date. The board of education shall make disposition of said moneys so received from the treasurer of school district number one or of public schools therein, into the several general funds provided by section five of title seven of this act.

Township clerk to deliver to city clerk chattel mortgages, etc.

SEC. 30. The clerk of the township of Traverse shall deliver to the clerk of the city of Traverse City all chattel mortgages and other securities on file in his office, together with the entry book of the same; and when so delivered, such mortgages, securities and other papers shall be considered and treated as being property filed in the city clerk's office.

City to succeed village of Traverse City and township of Traverse and school district therein.

SEC. 31. The city of Traverse City shall succeed to and be vested with all the personal and real estate, franchises, credits and effects whatever, and all and every right or interest therein of and belonging to the village of Traverse City, the township of Traverse and school district in said township, and all demands due and to grow due to the same, shall hereafter fully and absolutely belong to the city of Traverse City, the corporation created by this act, saving nevertheless, to all and every person, his or their rights therein; and to the end that all and singular the estates and rights aforesaid may be fully vested in the corporation hereby created, every person who is or shall be possessed thereof, shall deliver the same to the city of Traverse City with all the evidence touching the same; and said corporation may bring suit in its corporate name for the



covery of the same, and the said city shall be liable to, and shall pay all the just debts due from, or claims or demands against the village of Traverse City, the township of Traverse and school district in said township as heretofore existing; and all contracts heretofore made or entered into by the corporate authorities of the village of Traverse City or township of Traverse, shall be and the same are made binding and obligatory upon the corporation hereby created, and are continued in force and effect the same as if this act had not been passed.

SEC. 32. The terms of office of all officers of the village of Traverse City, at the time this act takes effect, shall be held to terminate upon the election and qualification of the officers of said city of Traverse City named in this act or a majority thereof at the first election hereinbefore provided for.

Village officers,  
terms expire.

SEC. 33. The officers of the township of Traverse shall continue in office until the election and qualification of the officers of said city of Traverse City provided for in this act: *Provided*, That the present justices of the peace of the township

Township officers,  
terms expire,  
*Provided*.

of Traverse shall have the power and authority, and shall exercise the same in and for the said city of Traverse City, as is by this act conferred upon justices of the peace elected in and for said city, and shall in all respects be subject to the provisions of this act relating to such justices of the peace, and they shall continue to hold their respective offices, and to discharge the duties thereof until the fourth day of July, eighteen hundred and ninety-five, and until their successors, viz., the justices of the peace to be elected at the first election to be held under the provisions of this act, shall have been elected and qualified, and thereupon their respective terms of office shall expire, and thereupon the said justices of the peace of the township of Traverse shall deliver to their respective successors, their justice dockets and all dockets in their respective offices; and in case any matter or suit shall be pending and undetermined, before such justice of the peace of said township of Traverse at the time his office will expire, as in this act provided, the successor to said justice or justices of the peace, as the case may be, shall proceed to hear, try and determine such matter or suit, unless otherwise provided by the laws of this State, and to issue execution thereon in the same manner and with the like effect as he might have done if such matter or suit had originally been commenced before him: *Provided further*, That the board of school district officers of said school district number one in said Traverse township shall continue in office until the officers of the board of education of the city of Traverse City shall have been duly elected, appointed and qualified as provided for in this act.

Power of present justices of the peace to continue.

*Provided further* as to school officers, terms expire.

SEC. 34. The council, by a two-thirds vote of all the aldermen elect of the city, shall have authority to permit any railroad company, or street railway company, to lay its tracks, and operate its road with steam locomotives, or other power, in or across the public streets, highways or alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the com-

Council may allow railroad companies to lay tracks in city streets.

pany, as the council may prescribe; and to prohibit the laying of such track or the operating of any such road, except upon such terms and conditions, and may regulate and fix the rate of fare on street railways, and make such other regulations in relation thereto as they may deem proper.

Council may order change of grade of crossing of railroad tracks.

SEC. 35. The council shall have power to provide for and change the location and grade of street crossings of any railroad track; and to compel any railroad company to raise or lower their railroad track to conform to the street grades which may be established by the city from time to time, and to construct crossings in such manner and with such protection to persons crossing thereat as the council may require, and to keep all in repair; also, to require and compel railroad companies using steam locomotives or other power to keep flagmen, or watchmen, at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat; and to light such crossings during the night; and to require railroad companies to place and maintain such gas, electric, or other outside lights at stations as shall be designated by the council; to regulate and prescribe the speed of electric cars and all locomotives and railroad trains within the city; but such speed shall not be required to be less than four miles per hour; and to impose a fine of not less than five or more than fifty dollars upon the company, and upon any engineer or conductor violating any ordinance passed in pursuance of this section.

Lights at stations.

Regulate speed of trains.

Fines for violating this section.

Council may require their grounds properly drained.

SEC. 36. The council shall have power to require and compel any railroad company, and any street railway to make, keep open and in repair such ditches, drains, sewers and culverts along, under and across their railroad tracks as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct; and so that the natural drainage of adjacent property shall not be impeded; also, to fence or wall up with stone along the side of any street to which said railroad may run parallel, and to repair any damage or injury which may have been done to such street by any railroad company. If any such railroad company shall neglect to perform any such requirement, according to the direction of the council, the council may direct the work to be done at the expense of such company, and the amount of such expenses may be collected at the suit of the city against the company, in a civil action before any court having jurisdiction of the cause.

City to do work and charge to company in case of neglect.

County road system may enter the city limits.

SEC. 37. Any road or any part thereof heretofore laid out, or any bridge within the city limits, shall become a county road and bridge, or any streets or parts of streets, within said city, may be adopted as a county road under provisions in act number one hundred and forty-nine of session laws of eighteen hundred and ninety-three, with the consent and approval, and upon such terms and conditions as a majority of the council of said city may, by resolution or ordinance, determine.

This act is ordered to take immediate effect.

Approved May 18, 1895.

[ No. 425. ]

ACT to provide for, and fix and limit the compensation, to prescribe the duties of certain officers and employees of the county of Wayne.

- SECTION 1. *The People of the State of Michigan enact,* the treasurer and prosecuting attorney of the county of e shall receive a salary of five thousand dollars per n; that the county auditors, county clerk and register of of the county of Wayne shall each receive a salary of thousand five hundred dollars per annum; that the circuit court commissioners of said county shall each receive a of three thousand dollars per annum; and that the said or salaries of said county treasurer, prosecuting attorney, y clerk, register of deeds and circuit court commiss- s shall be full payment for services performed by said or officers for said county, or for the patrons of their, tive offices, and shall be in lieu of all fees, commissions Shall be in lieu of all fees.
- rquisites payable to said officers under the laws of this for the performance and discharge of any duties required air respective offices, or any office, the duties of which exercise by virtue thereof; and in lieu of all fees or com- ons collectible by said officers for the performance of the tive duties of their said offices where the said fees are xed by law; and that the said officers shall receive no or further compensation for the duties imposed upon but all fees or commissions made payable to, or that be charged by them by virtue of said office, shall be ed by and on account of said county.
2. No officer whose salary is fixed by this act shall be ed to any fees, commissions or added compensation by 1 of any new duties hereafter added to the office held by No officers whose salary is fixed by this act shall be entitled to any fees,
3. The said county clerk, circuit court commissioner, uting attorney and register of deeds of Wayne county receive or collect no other compensation, except the above provided, for the performance or discharge of any duties of their respective offices, but they shall pay the commissions or charges provided by law to be paid or hey may fix or charge for the performance or discharge of duties or any duties in their said offices to the county rrer on the last Saturday of every month, and the same be for the use of said county and placed to the credit of eneral fund. Such payment shall in all cases be accom- d with a statement in writing of the respective officers, of rvice rendered and fees collected, and that the same is in every particular, which statement shall be verified by ith of the officers making the same that such statement is To receive no other compensation.
4. The board of auditors of said county shall provide county treasurer, county clerk, register of deeds and circuit court commissioners with the proper books, blanks and Shall pay to county treasurer fees collected.
- Auditors to provide officers with books, blanks and forms for accounting.

Auditors shall have power and authority to examine books and accounts,

Any officer paying money to the county treasurer shall take a duplicate receipt and file in office or board,

Treasurer, clerk, register of deeds and circuit court commissioner to receive the fees during their present term.

Liquor tax cards,

Failure to comply with this act a misdemeanor.

Acts contrary to the provisions of this act are repealed.

forms for the regular and systematic accounting of all moneys received by them from whatever source. Said board shall provide each of said officers with blanks, each having a stub attached, bound in book form and consecutively numbered, for all certificates or certified copies of records on which a fee is collectible. Said blanks shall have entered on their face the amount of the fee collected and for what purpose paid, and shall be a record of the amounts collected by the officer issuing the same. Said board of county auditors shall also have the power and they are hereby authorized at any time to examine the books and accounts of the county treasurer and other county officers, and they shall on demand be exhibited to them by said officers. And as often as said board may require, the accounts and vouchers of the said county officers shall be audited and allowed by them, and after the same shall have been audited by said board it shall not be requisite that such accounts and vouchers be again audited by the board of supervisors. Whenever any moneys are paid to the county treasurer by any officer or agent of said county, such officer or agent shall take a duplicate receipt therefor, which shall be filed in the office of said board. Said treasurer shall on each day report to said board the moneys received by him on that day, and after making his last report. They shall keep an account of all moneys which may be chargeable against the county treasurer and any other officer who may receive any moneys belonging to the county, and shall keep an account with said officers showing the amounts with which they should be credited, and their accounts shall be so kept that the financial affairs of the county may at any time be ascertained by inspection of the books of said board.

SEC. 5. The present county treasurer, county clerk, register of deeds and circuit court commissioners shall be entitled to receive the fees, commissions and perquisites now legally payable to them, during their present term of office, the provisions of this act notwithstanding.

SEC. 6. All liquor tax cards shall be issued by the county treasurer, and shall be numbered consecutively. Before being issued each card shall be countersigned by the chairman of the board of county auditors. Said board shall keep a complete record of all liquor tax cards issued by the county treasurer showing the date of issue, name of dealer, place of business and amount paid.

SEC. 7. Any officer who shall fail to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in the sum of not exceeding five hundred dollars or imprisonment in the county jail not exceeding six months.

SEC. 8. All acts or parts of acts, so far as contrary to the provisions of this act, are hereby repealed.

Approved May 21, 1895.

[ No. 426. ]

AN ACT to amend certain sections of act number three hundred and thirteen of the local acts of eighteen hundred and ninety-three, being "An act to incorporate the city of Belding, in the county of Ionia and State of Michigan," approved March twenty-third, eighteen hundred ninety-three.

SECTION 1. *The People of the State of Michigan enact*, Section amended.  
That section six of chapter four of said act be amended so as to read as follows:

SEC. 6. The mayor, city treasurer, clerk, supervisors, constables and inspectors of election shall hold their office for the term of one year from the second Monday in April next succeeding their election, and until their successors are qualified and entered upon the duties of their office. All appointive officers shall hold their office during the pleasure of the council and may be removed at any time by a two-thirds vote of all the aldermen elect. Justices of the peace shall hold their offices for the term of four years from the fourth day of July next after their election. The school inspectors of said city shall be elected and hold their offices for the term of three years from the first Monday in May next after their election, and the term of office of the said school inspectors shall be so arranged that only one inspector shall be elected annually, and the terms of office of school inspectors appointed by the council shall be so arranged that but one school inspector shall be appointed by the council annually. Terms of office of elective and appointive officers.

SEC. 2. That section eighteen of chapter five of said act be amended so as to read as follows: Section amended.

SEC. 18. The certificate of election herein required to be made by section sixteen of this chapter shall be made in duplicate, one of which shall be deposited with the ballots and the other papers required to be deposited in the ballot boxes by the laws of this State, and the other shall be delivered by the inspectors of elections, on said day, or the next day succeeding, to the city clerk, who shall file and preserve the same in his office. Certificates to be made.

SEC. 3. That section twenty-five of chapter six of said act be and the same is hereby repealed. Section repealed.

SEC. 4. That section eleven of chapter seven of said act be amended so as to read as follows: Section amended.

SEC. 11. The council shall have control of the finances and of all the property, real and personal, of the city corporation, except as may be otherwise provided by law. The council shall have control of all moneys, and may receive bids from banks for interest upon the same, and on its funds and deposits, and require security therefor. Control of finances and property.

SEC. 5. That sections three and five of chapter eleven be amended so as to read as follows: Section amended.

When license  
to be paid.

SEC. 3. Every person shall, before entering into any occupation or business, or setting up any billiard or pool table, bowling or nine or ten pin alley, or doing any act or thing requiring a license under the provisions of this chapter, shall, on commencing, and on or before the first day of May in each year, pay to the city clerk the amount of such license, and receive from the said city clerk a license under the seal of the said city, which license shall state the amount paid, the date when the same shall expire and the business authorized thereby, or the act thereby authorized to be done, but no license, excepting for exhibitions, and so forth, mentioned in subdivision two of section one of this chapter, shall be granted for a shorter period than three months, excepting in cases where said license is granted within three months next preceding the first day of May in any year, in which event licenses may be granted for the time between the date of such license and the first day of May next ensuing at a proportionate rate.

Term of license.

SEC. 5. No license shall be granted for any term beyond the first Monday in May next thereafter, nor shall any license be transferable.

Section  
amended.

SEC. 6. That section one of chapter sixteen of said act shall be amended so as to read as follows:

Dog taxes.

SECTION 1. There shall be annually levied and collected in said city the following tax upon dogs, viz.: Upon every male dog owned and kept by any person or family within said city, one dollar, and upon every female dog owned or kept by any person or family, three dollars.

Section  
amended.

SEC. 7. That section sixteen of chapter twenty-five of said act is hereby amended so as to read as follows:

Poll tax.

SEC. 16. There shall be levied and collected in each year a poll or capitation tax not exceeding two dollars, upon every male inhabitant of said city between the ages of twenty-one and fifty years, excepting the active members of the fire department, and such other persons as are by law exempt from the payment of such tax under the general laws. The council shall fix such capitation tax by resolution, but may repeal or change the same at any time in its discretion. The supervisors of the several wards of said city shall, at the time of valuing and assessing the real and personal property within said city, ascertain and make alphabetical list of all persons subject to the payment of such capitation tax, charging to each person in said list, the amount directed by the council to be levied as per capita tax for said year. Upon the completion of said lists the supervisors of the several wards of said city shall deliver said lists to the city marshal (and at the same time deliver to the clerk of said city a certified copy of the same), with a warrant under their hands and the seal of the city, which shall be affixed thereto by the city clerk, directing said city marshal to demand and receive from each person named in said lists the amount of such tax, and in default of such payment to make the same by the distress and sale of the personal property of the person neglecting or refusing to pay the same, in the same

Supervisors to  
make lists of  
persons subject  
to poll tax.

manner that sales of personal property may be made by township treasurers for taxes assessed against personal property.

SEC. 8. That section twenty-two of chapter twenty-nine of said act be amended so as to read as follows: Section amended.

SEC. 22. All moneys and taxes raised, loaned or appropriated, for the purpose of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purpose for which such moneys were raised and received, nor shall the moneys belonging to one fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any such fund or in any general fund. In such case the surplus may be transferred to the sinking fund, should there be a deficiency in that fund, otherwise the council may apply such surplus as they shall deem proper. Moneys not received or appropriated for any particular fund shall be credited to the contingent fund. How money raised to be applied.

SEC. 9. That section one of chapter thirty of said act is amended so as to read as follows: Section amended.

SECTION 1. The territory included in said city of Belding shall hereafter constitute one school district, and be known as district number nine of the city of Belding; but nothing in this act contained shall in any way change the powers and duties of the present [boards] board of education during the current school year. At the annual school meeting in eighteen hundred ninety-five said district shall elect trustees and other officers, and the same shall continue as heretofore subject to and governed by the general statutes of this State relating to schools and school districts. Territory included in the city of Belding to constitute one and be known as school district No. 9. Not to change the power and duties of the present board of education.

This act is ordered to take immediate effect.

Approved May 21, 1895.

[ No. 427. ]

AN ACT to incorporate the city of Sturgis, in the county of St. Joseph.

SECTION 1. *The People of the State of Michigan enact,* That all those tracts or parcels of land known and described as follows: Section numbered one (1) and the north one-half of section numbered twelve (12), in township eight (8) south of range ten (10) west, be and the same is hereby incorporated as a city by the name of the city of Sturgis. Territory incorporated.

This act is ordered to take effect January first, eighteen hundred and ninety-six.

Approved May 21, 1895.

[ No. 428. ]

AN ACT to detach the townships of Bear Lake and Resort, and a certain portion of the township of Springvale from the county of Charlevoix, and to attach the same to the county of Emmet, for judicial and municipal purposes.

Territory detached from Charlevoix county and attached to Emmet county, purpose of.

SECTION 1. *The People of the State of Michigan enact,* That the territory now comprised, organized and known as the townships of Springvale, Bear Lake and Resort, in the county of Charlevoix, shall be detached from said county of Charlevoix and attached to and made a part of the county of Emmet for all judicial and municipal purposes from and after the sixth day of April, eighteen hundred ninety-six, except that part of the township of Springvale in town thirty-three north of range four west, which shall be attached to the township of Chandler, Charlevoix county. From and after said sixth day of April, eighteen hundred ninety-six, and the township board of said township of Chandler shall make provisions for transferring all necessary documents and records now on file in town clerk's office of said township of Springvale.

Present officers to continue.

SEC. 2. The present officers shall continue to be the officers of the several townships, and all taxes levied in said townships by authority of the townships officials or the board of supervisors of Charlevoix county for the year eighteen hundred ninety-five, shall continue and be lawful, and shall be collected and returned to the county treasurer of Charlevoix county, as provided by law.

To be organized into one township.

SEC. 3. After the expiration of the present term of offices of the supervisors of said several townships, the territory now comprised, organized and known as the townships of Springvale and Bear Lake shall be organized into one township, to be known as the township of Spring Lake, and the supervisors and clerks of said townships of Springvale and Bear Lake are hereby empowered and authorized to act as a board of election commissioners, and to take charge of and conduct the elections to be held in said new township of Spring Lake in the spring of eighteen hundred ninety-six. The territory now comprised, organized and known as the township of Resort shall be attached to and become a part of the township of Bear Creek, Emmet county, for all township purposes, from and after said sixth day of April, eighteen hundred ninety-six.

Board of election commissioners.

Territory to be attached to.

All public documents and records to be turned over to clerk of new township.

SEC. 4. All public documents and records now in the possession of the township clerks of the said townships of Springvale and Bear Lake, shall be turned over to the clerk of the new township of Spring Lake, after the spring election of eighteen hundred ninety-six, and the board of said township shall make all necessary provisions for having said records properly transcribed or filed. All documents and records now in the possession of the township clerk of said Resort township shall be turned over to the clerk of Bear Creek township after the spring election of eighteen hundred ninety-six, and the board of said township shall make all necessary provisions



and pay all expenses for having said record properly transcribed or filed.

SEC. 5. All matters of difference as to indebtedness of either of such counties shall be settled and determined as provided in sections twenty, twenty-one, twenty-two, twenty-three, twenty-four and twenty-five, chapter nine, laws of eighteen hundred seventy-one. The board of supervisors of Emmet county shall make all necessary provisions and pay all expense for making transfers of records as may be necessary under this act.

Difference as to indebtedness, how settled.

SEC. 6. After the sixth day of April, eighteen hundred ninety-six, the township officers of said township of Spring Lake shall make returns of all elections and all other returns required by law to the county clerk of the county of Emmet.

Returns of election, where made to.

Approved May 22, 1895.

[ No. 429. ]

AN ACT to reincorporate the city of Cadillac, to establish a board of public works, a board of fire and police commissioners, to create a recorder's court in said city, to provide for the election and appointment of officers therein, and to repeal act number two hundred sixty-five of the local acts of eighteen hundred and eighty-five, entitled "An act to reincorporate the city of Cadillac and to repeal act number two hundred fifty-four of the session laws of eighteen hundred and seventy-seven entitled 'An act to incorporate the city of Cadillac and repeal act number three hundred thirty-six of the session laws of eighteen hundred seventy-five;' approved April twenty-two, eighteen hundred seventy-five, and act number three hundred four of the session laws of eighteen hundred seventy-nine, entitled 'An act to amend section one of act number two hundred fifty-four of the session laws of eighteen hundred seventy-seven,' approved March twenty, eighteen hundred seventy-seven, entitled 'An act to incorporate the city of Cadillac and repeal act number three hundred and thirty-six of the session laws of eighteen hundred and seventy-five,' approved April twenty-two, eighteen hundred seventy-five," approved March six, eighteen hundred eighty-five, and all amendments thereto.

TITLE I.

TERRITORY.

SECTION 1. *The People of the State of Michigan enact,* That the following described territory, to wit: Sections three, four and five, government lots one, two, three and four in section six, government lots one, two, four and five in section

Territory incorporated.

seven, government lots one, two, three and four in section eight and the north half of the north half of section nine all in town twenty-one north of range nine west; and the east half of section thirty-two all of section thirty-three, and the south half of section thirty-four, all in town twenty-two north of range nine west, in the county of Wexford and State of Michigan, according to the original government survey, be incorporated into, and the same is hereby made, constituted and organized into a city to be known as the city of Cadillac.

## TITLE II.

### OFFICERS.

Officers to be elected.

SECTION 1. The following city officers, viz.: A mayor, city treasurer, city collector, city clerk, a judge of the recorder's court, three school inspectors, two justices of the peace, two aldermen to be termed aldermen at large, and one city assessor, shall be elected by the qualified voters of the whole city: *Provided*, That one of said justices shall be elected at the annual city election in the year eighteen hundred ninety-six, and the other justice at the annual city election in the year eighteen hundred ninety-eight, each to be elected for the full term of four years from and after the fourth day of July from and after such election. And thereafter one justice of the peace shall be elected every two years at the annual city election.

Proviso.

Idem.

SEC. 2. In each ward, a supervisor, two aldermen and one constable shall be elected.

Officers appointed.

SEC. 3. The following officers shall be appointed by the mayor by and with the consent and approval of a majority of all the aldermen elect, such consent and approval to be expressed by resolution on the first Monday in May in each year (except in case of vacancy), viz.: A city attorney, one school inspector for a period of three years, three members of the board of health, three members of the cemetery board, five members of the board of public works and five members of the board of fire and police commissioners.

## TITLE III.

### WARDS.

Wards.

SECTION 1. The city shall remain divided into four wards as at present, except that the council may change the boundaries thereof when deemed necessary to equalize the number of inhabitants.

City collector shall perform same duties and shall have same powers as township treasurer.

SEC. 2. For the purpose of assessing and levying taxes in the city, for the purpose of equalizing such assessments by the board of review, and for equalizing the same as to State and county taxes by the board of supervisors, and for collecting taxes and returning property for the non-payment thereof, the

whole city shall be regarded as a township, and the city collector shall perform the same duties and shall have the same powers as a township treasurer so far as may be necessary to perform faithfully his duties as such collector.

## TITLE IV.

### DUTIES OF OFFICERS.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council, and shall be *ex officio* a member of the board of supervisors of Wexford county. He may from time to time give the council information concerning the affairs of the corporation, and may recommend by message such measures as he may deem expedient; and may in his discretion veto such measures passed by the council as he shall not approve, returning the same with his objection in writing to the council, when, unless the same shall be again passed by the council at its next meeting by a vote of two-thirds of all the aldermen elect, the same shall not become operative. Power and duties of mayor.

SEC. 2. The mayor shall exercise all the powers and perform all the duties prescribed to him in chapter seven of act number one hundred seventy-eight of the laws of eighteen hundred seventy-three, not inconsistent herewith. Idem.

SEC. 3. The city clerk shall be elected for a period of two years from and after the first Monday of April, eighteen hundred ninety-five. He shall be keeper of the corporate seal, shall attend all sessions of the council and be the clerk thereof, shall exercise all the powers of township clerk so far as the same may be required to be performed within the city, may appoint a deputy when authorized by the council and shall be the general accountant of the city and the custodian of its papers and documents. He shall act as comptroller of said city and perform the duties of that officer. He shall be *ex officio* clerk of all boards within the city and shall act as secretary of the board of education, but shall not be entitled to a vote upon such boards. He shall assist the assessor in preparing the assessment rolls of the city and shall spread the taxes upon the tax rolls of the city and certify the same to the city collector. Terms of office. Powers and duties of city clerk.

SEC. 4. The city clerk shall devote his entire time to the work of the city, and shall receive such compensation therefor as shall be prescribed by the council, but shall cover all fees received by him into the city treasury. He shall also perform all such other duties as are prescribed by act number one hundred seventy-eight of the laws of eighteen hundred seventy-three, not inconsistent herewith. Compensation of.

SEC. 5. The mayor, aldermen and members of all boards shall serve without compensation. All other officers shall receive such salary or other compensation as may from time to time be fixed by the council or prescribed by law. Mayor and aldermen shall serve without compensation.

## THE ASSESSOR.

Powers and  
duties of  
assessor.

SEC. 6. The assessor shall annually estimate and assess the value of all the taxable real and personal property in the city, and make the assessment rolls at the time and in the manner as supervisors in townships; he shall spread upon said rolls any and all taxes duly certified to him by order of the council, by the board of supervisors of the county in which such city is located, or by other proper authority; and his warrant attached to said rolls, directing the collection of the taxes so levied and spread thereon, shall have the same power and effect as a warrant of a supervisor made in accordance with the State law. He shall receive the sum of three dollars per day for all time necessarily taken in making said assessment and completing his tax rolls.

Compensation  
of.

## TITLE V.

## POWERS OF CITY COUNCIL.

Powers and  
duties of city  
council.

SECTION 1. The city council, in addition to the powers and duties conferred upon them in this act, and by act number one hundred seventy-eight of the session laws of eighteen hundred seventy-three, shall have power within said city to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they from time to time may deem desirable for the following purposes:

*First*, To license and regulate the keepers of hotels, taverns, and other public houses, grocers and keepers of ordinaries, and victualing and other houses or places for furnishing meals or food; to restrain, license and regulate saloons, and to regulate and prescribe the location thereof;

*Second*, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of this State, and forbid the selling or giving to be drunk any intoxicating liquors to any minor, drunkard or other person in the habit of getting intoxicated;

*Third*, To regulate and license the performing, engaging in and carrying on of any and all trades, callings, vocations, occupations and professions within the city of Cadillac.

*Fourth*, To regulate, require and enforce the setting of shade trees in the streets of said city, and to provide for the preservation of the same.

## TITLE VI.

## RECORDER'S COURT.

Recorder's court  
established.

Judge of, when  
elected.

SECTION 1. There shall be and hereby is established a recorder's court in said city, and on the first Monday of April, eighteen hundred ninety-six, and every six years thereafter, there shall be elected a judge of the recorder's court in said city, who shall be an admitted practicing attorney of said city.

He shall hold his office for six years from and after the fifteenth day of May next following his election. Within ten days after being notified of his election, said recorder shall qualify in the same manner and with like effect as is required of other city officers, and shall execute and file with the mayor of said city a bond to the city of Cadillac in the penal sum of two thousand dollars, with sufficient sureties, to be approved by the mayor, conditioned for the faithful performance of his duties as such recorder.

Term of office.

Bond.

SEC. 2. Such recorder shall have exclusive jurisdiction to hear, try and determine all actions and prosecutions for the recovery and enforcement of fines, penalties and forfeitures imposed by the ordinances of the city, and to punish offenders for the violation thereof. And shall also have exclusive jurisdiction to hear, try and determine all actions and prosecutions arising for violations of any law of the State where such offenses are committed within the city of Cadillac and cognizable by a justice of the peace, and shall also have exclusive jurisdiction in like cases to examine all parties charged with offenses not so cognizable by a justice and to hold such parties for trial to the circuit court of Wexford county. The recorder in said city when exercising civil jurisdiction, shall be deemed a justice of the peace of Wexford county, and shall have all the powers and jurisdiction given by the general laws of the State in relation to civil cases before justices of the peace in townships, and appeals from said recorder's judgments may be made to the circuit court for Wexford county in the same manner as appeals from justice court judgments are made by law.

Jurisdiction of recorder.

When deemed a justice of the peace.

SEC. 3. In the trial of all criminal cases in such recorder's court, the questions of law arising during such trial shall be determined by the court the same as in circuit courts in this State, but all questions of fact shall be determined by a jury, called, and trials in all respects not inconsistent herewith conducted as in justice courts within this State; and appeals may be made to the circuit court for Wexford county in the same manner as is now provided for appeals from justices' and police justices' courts.

In trial of criminal cases.

SEC. 4. In case of the absence or inability of such recorder to act, he may designate some justice of said city to perform his duties in such cases. But the expenses attendant upon the hearing of such cases before a justice shall be borne by the recorder. In case of vacancy in the office of judge of recorder's court, the mayor, by and with the consent of the city council, shall appoint some duly qualified person to fill such vacancy till the next annual city election.

May designate some justice to perform his duties in case of absence or disability.

Vacancy in office of judge of recorder's court, how filled.

SEC. 5. The recorder shall receive such salary as the council shall prescribe: *Provided, however,* That one-half of the salary so prescribed shall be paid by the county of Wexford in consideration of the services in criminal cases as above prescribed.

Salary of. Proviso.

SEC. 6. All fines, penalties and costs collected or received by said recorder, for or on account of violations of the penal

Fines, penalties and costs to be paid county treasurer.

laws of the State, shall be paid over to the county treasurer on or before the first Monday of the month next after the collection or receipt thereof. And all fines, penalties and costs for violations of any ordinances of the city shall be paid over to the city treasurer within the same time above provided, and the recorder shall take the receipt of the county and city treasurer, for such sums and file the same with the county or city clerk, as the case may be.

Report to be made to prosecuting attorney,

SEC. 7. Such recorder shall report to the prosecuting attorney all criminal prosecutions commenced in said court; and shall certify all convictions to the county clerk in the manner as required by law for justices of the peace, and shall report to the city council at the first regular meeting thereof in each month, all fines, penalties and costs received by him since the last preceding report, and the amount thereof paid to the city treasurer. Such report shall also show the name of every person prosecuted in said court under the city ordinances, and the disposition of each case, with the fine, costs and time of imprisonment, if any, in each case.

## TITLE VII.

### BOARD OF PUBLIC WORKS.

Board of public works.

Members first composing, when appointed.  
Terms of office of.

Oath of office.

Organization of the board.

SECTION 1. That there shall be created and constituted a board of public works in and for the city of Cadillac, composed of five members, qualified electors of said city, who shall be appointed by the city council of said city upon the nomination of the mayor, and who shall serve without compensation. The members first composing such board shall be appointed within twenty days from the time this act shall take effect, and hold their office, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years. And after the first Monday in May of the year eighteen hundred ninety-five, all appointments thereafter shall (except in case of vacancy) be made for the term of five years from and after the first Monday in May of the year when appointed. Immediately after their appointment said members of the board of public works and their successors in office shall file with the city clerk of said city of Cadillac the oath of office, prescribed by the charter for city officers, which filing shall constitute an acceptance of the office, and said clerk shall thereupon give to each a certificate of his appointment, and the time thereof, and shall report all such acceptances of office to said city council at its next meeting. The members first appointed under this act shall, within ten days from the date of their appointment, or such future time as the city council shall fix, meet and organize the said board of public works by the election of one of their number as president; and the city council shall thereupon and at all times thereafter, provide the board with suitable office room

for its meetings and business uses, and supply record books, stationery and other things necessary for the transaction of the public business in charge of said board, and provide for the payment in like manner as other accounts against the city, of all necessary and lawful expenses incurred by said board.

SEC. 2. Said board of public works shall (after the said public improvements have been first duly ordered by the city council), have supervision and charge of the construction and repair of all sidewalks, crosswalks, culverts, bridges, docks, fountains and reservoirs; the construction, repair and extension of all public sewers and drains; the erection, alteration and repair of all engine houses, police stations, city halls, and other public buildings of every description in said city (except schoolhouses), the deepening and cleaning of ditches and gutters; the cleaning, repairing, grading, paving, planking, graveling, or covering with other material, of all streets and alleys; the laying out and improvement of all parks and public grounds; and shall, in addition thereto, exercise such other powers, and perform such other duties, in the superintendence, construction and care of public works and improvements as the city council may from time to time direct.

Board to have supervision of construction of sidewalks, etc.

SEC. 3. Whenever the city council of said city shall have decided upon the making of any such public improvement, it shall so declare by resolution, and the board of public works, with all convenient dispatch, shall determine as to the particular kind, and estimate the quantity of materials to be used therefor, and estimate in detail the probable cost and expense of such work and of the material to be used therein, and to make a record thereof in their office, and cause to be prepared, so far as necessary, plans and specifications for such work or improvement, and report their determination and estimate to the city council. When such plans and specifications have been submitted to the city council, and adopted by it, the said board of public works shall, except in the case of cleaning and deepening of ditches and gutters, and the repair of streets and sidewalks, advertise for proposals for the furnishing of material and for the performance of such work and may require all bidders to furnish security for the performance of proposals tendered to said board if the bid be accepted and also security for any contract awarded; and all bids submitted to said board shall be publicly opened by it and as soon as may be thereafter reported by the said board together with its recommendation in respect thereto to the city council; and no contract shall be let by the said board until it is thereunto duly authorized by the city council.

Estimate quantity of materials to be used, and probable cost and expense of such work.

Plans and specifications.

Advertise for proposals.

Bidders to furnish security.

Bids to be publicly opened.

SEC. 4. All contracts made by said board shall be in the name of the city of Cadillac, be first approved as to form by the city attorney and be executed by the president and clerk of said board; and when made such board shall in behalf of the city have direction of the performance thereof. The board shall reserve the right in all contracts to determine all questions as to the proper performance of such contracts, and as to the completion of the work specified therein; and in the case

Contracts.

of the improper, dilatory or imperfect performance thereof, to suspend work at any time, to order the partial reconstruction of the same, if improperly done, to relet the work covered by said contract, or any unfinished portion thereof, or by its employes, to take possession and complete the same, at the expense of the contractor. It shall also have the right by all proper provisions in all contracts, to retain a sufficient amount from the contract price to pay and discharge all debts incurred by the contractor for labor performed upon any public work; and upon the failure of the contractor to pay the same, to make payment thereof to the parties entitled thereto, and charge the amounts so expended against the contract price. Said board of public works is hereby authorized to commence and prosecute in the name of said city any suit or proceeding for the recovery of damages for the breach of any such contract entered into by said board, or to enforce the performance of any such contract.

**City engineer.**

SEC. 5. Said board shall have the power to appoint, subject to the approval of the city council, a city engineer, who shall hold office during the pleasure of the board, shall make all surveys required for the laying out, construction, alteration, repair and improvement of streets, sewers, water mains, cemeteries, parks public grounds and buildings and prepare all necessary plans, profiles and specifications therefor; and perform the civil engineering work of said city of every description as required by the city council, the said board of public works or by any other lawful authority of said city. Said

**Powers and duties of.**

engineer shall have and exercise within the city the like powers and duties as are conferred by law upon county surveyors and the like effect and validity shall be given to his surveys, plats and official acts as are given by law to the acts and surveys of county surveyors. Said engineer may, subject to the approval of the board of public works, appoint such

**May appoint assistants.**

assistants under him as are required for the proper and prompt performance of his duties, and discharge such assistants at pleasure. Said board shall also have the power to appoint a suitable person who shall have the personal supervision of the construction and repair of public buildings; and to appoint a street commissioner who shall have supervision of the grading, paving, improving, cleaning and care of streets, alleys and public grounds, the construction and repair of sidewalks; and the cleaning and deepening of ditches, drains and gutters; and also such other subordinates as may be necessary to enable the board to properly perform the duties devolving upon it. Said

**Street commissioner.**

**Other subordinates.**

**City council to fix compensation of engineer and other appointees.**

board shall recommend, but the city council shall have the power to fix, and shall fix the compensation of said engineer and other appointees (except workmen) of said board; and all claims for the same shall, when certified by the board, be submitted to the city council for allowance and payment in the same manner as other claims against the city. But no such claim shall be paid by the council unless certified to by the board of public works.

**Detailed accounts.**

SEC. 6. The said board shall classify the various work under its control, and keep an accurate account of the cost of



each, and of the amounts expended for construction, repairs, superintendence and salaries of employes, and also detailed accounts of all other matters under its charge and control, and upon the first Tuesday of January in each year, and oftener, if required by the city council, submit to it, a statement showing in detail the progress and condition of all public improvements commenced or carried forward by said board, the character and amount of all contracts made by the board, the moneys earned and paid thereon; and all other information necessary to the full understanding of the business conducted by said board. The board shall from time to time also make estimates of the amounts earned and payable upon any contract for work done and materials furnished, and report the same to the city council; and thereupon it shall be the duty of the city council, without unreasonable delay, to order payment from the proper funds of the amount so reported.

Estimates of  
amounts earned  
and payable  
upon contracts.

SEC. 7. The city attorney shall act as legal advisor of said board; and the city clerk shall be by himself or his deputy, the clerk thereof, and shall keep a full record of the proceedings, showing the vote by ayes and nays of each member upon every motion brought before or determined by said board, which record shall at all times be open to public inspection, and a copy thereof published within one week after each session in some newspaper of the city. A majority of the board shall form a quorum for the transaction of business; but a majority of all the members constituting said board shall be necessary to decide any question before the same. The board shall have the power to make all such by-laws, rules and regulations as may be necessary or expedient for the conduct of its business. It shall have the power to fix the duties, and at any time to suspend or discharge any of its appointees or employes, and appoint or employ others in their place, as to the said board the public interest may seem to require. In case of the removal of the city engineer by the board, the appointment of his successor shall be subject to the approval of the city council.

Legal adviser.

Clerk of board  
to keep record  
of proceedings.

To be published.

Quorum.

Power of board.

SEC. 8. No member of said board shall hold any elective office under the charter of said city during continuance as a member of said board; and his acceptance of any such office in said city shall be deemed a resignation of membership, and shall vacate his office in said board. No member of said board shall be personally interested, either directly or indirectly, in any contract for any public work in said city; nor in the purchase, sale or disposition of any material to be used or applied in or about any public work or improvement. Any member of said board may be at any time removed by the city council of said city for official misconduct, or for the unfaithful or inefficient performance of the duties of his office: *Provided*, That the charges against the said member sought to be removed, and the notice of the time and place of hearing the same, shall be served on him at least ten days previous to the time so assigned, and an opportunity given him to make his defense. Whenever a member shall be removed, or a vacancy in said

No member to  
hold any elec-  
tive office under  
the charter of  
the city.

Not to be per-  
sonally inter-  
ested in con-  
tracts.

May be removed  
for official mis-  
conduct.

Proviso.

board shall occur by reason of the removal of any member thereof from said city, resignation, death or otherwise, the same shall be filled for the unexpired term by appointment of the city council, upon the nomination of the mayor.

Offices of city  
surveyor and  
street commis-  
sioner abolished.

SEC. 9. The offices of city surveyor and street commissioner are abolished; and all the duties heretofore performed, and all powers heretofore exercised by said officers, are hereby transferred to and devolved upon said board of public works. All books, surveys, field notes, plats, plans, specifications, and other records of every description, in the custody of said city surveyor, shall forthwith, on the organization of the board of public works, be delivered to it, and the same, together with all future surveys, surveyors' field notes, plats, records, plans, profiles, and other papers connected with the work of the board, shall belong to the city, and shall be carefully preserved as public records. All contracts for public improvements heretofore lawfully entered into by any person with the city, or any lawfully authorized board or officer thereof, shall be carried out and completed under the direction of the said board of public works.

Contracts heretofore lawfully entered into to be carried out and completed.

#### GENERAL PROVISIONS.

Estimate of cost and expense of maintaining department of public works for the ensuing year.

SEC. 10. It shall be the duty of said board of public works to prepare and submit to the city council, on or before the fifteenth day of September in each year, an estimate of the whole cost and expense of providing for and maintaining the department of public works of said city for the ensuing year, in accordance with the provisions of this act, which estimates shall be in detail, specifying the objects of expenditures, the sums desired for each and such special reasons for the same as the board may have. The amounts of money so estimated to be necessary or such amount as the city council shall by resolution determine to be necessary shall be certified by the city clerk of said city to the clerk of the county of Wexford with the other sums determined to be raised by tax for city, highway, sewer, and other purposes, in accordance with the provisions of the charter of said city.

Provisions of charter repealed.

SEC. 11. The provisions of the charter of the said city of Cadillac, so far as the same may be in conflict with the provisions of this act, and so far as may be necessary to give full power and effect to the provisions of this act, are hereby repealed, and it is hereby made the duty of the city council of said city to pass any and all ordinances that may from time to time be necessary to enable said board of public works to fully carry out the provisions of this act, and as may be necessary to enforce all lawful rules and regulations made by said board.

## TITLE VIII.

## BOARD OF POLICE AND FIRE COMMISSIONERS.

SECTION 1. That all the powers and duties connected with and incident to the government and discipline of the police and fire departments of the city of Cadillac shall be, as herein-after more especially provided, vested in and exercised by a board of five commissioners, to be known as the "board of police and fire commissioners of (the) city of Cadillac," a majority of whom shall constitute a quorum for the transaction of business.

Board of police  
and fire com-  
missioners.

SEC. 2. Within twenty days after this act shall take effect the city council shall, upon the nomination of the mayor as hereinbefore provided, appoint five members of said board, who shall hold their office, one for the term of one year, one for two years, one for three years, one for four years and one for five years from and after the first Monday of May, eighteen hundred ninety-five, and all appointments thereafter shall (except in case of vacancy) be made for the term of five years from and after the first Monday in May of the year when appointed.

Appointment of  
and term of  
office.

SEC. 3. Any member of said board may at any time be removed by a vote of two-thirds of all the members elect of the city council of said city for sufficient cause, and the proceedings in that behalf shall be entered on the journal of the council: *Provided*, That the said city council shall previously cause a copy of the charges preferred against such member sought to be removed, and notice of the time and place of hearing the same, to be served on him at least ten days previous to the time so assigned, and opportunity be given him to make his defense personally and by counsel.

How removed.

Provided.

SEC. 4. Said commissioners shall serve without compensation. No person shall be eligible to appointment to said board unless he shall then be an elector and resident of said city, nor shall any person be eligible who holds any elective office, and any of said commissioners shall be considered as vacating his office in the event of his accepting any such office.

To serve with-  
out compen-  
sation.

Who are eligi-  
ble to appoint-  
ment.

SEC. 5. Immediately after their appointment said commissioners and their successors shall file with the city clerk of said city of Cadillac the oath of office prescribed by the charter for city officers, which filing shall constitute an acceptance of the office, and said clerk shall thereupon give to each a certificate of his appointment, and the time thereof, and shall report all such acceptances of office to said city council at its next meeting.

Oath of office.

SEC. 6. As soon as the said commissioners have qualified by filing their oaths of office, they shall meet and organize by electing one of their number to be president of said board; whereupon they shall assume control of the police and fire departments of said city as now constituted, and they and their successors in office shall have and possess all the powers and

Organisation of  
the board.

Council to provide an office for use of board.

Meetings of board.

Duties of.

authority conferred upon them by this act. The city council shall provide an office for the use of the board, with all the necessary furniture, records and stationery, and said commissioners shall hold such regular and special meetings as they may from time to time provide; and shall cause full and accurate record of the same, and of all business transacted by the board, to be kept. They shall keep a separate account of all expenditures ordered by the board on account of the police and fire departments, and of all the expenses incurred by the board in managing and maintaining said departments. The board shall report to the city council monthly the condition and needs of the police and fire departments, and the expense of conducting the same for the month, together with a statement of the number of men employed in each of said departments. Said board shall also, from time to time, certify to the controller of said city all such accounts, claims and demands against said city for or on account of said police and fire departments as shall have been approved by the board, and the controller shall report the same to the council for payment, as in other cases; but no claims or account shall be paid by the city council unless certified by the proper board.

#### OF THE POLICE DEPARTMENT.

Powers transferred to board of police and fire commissioners.

Chief of police, police and watchmen, when appointed.

Special police.

Proviso.

SEC. 7. All the powers of electing or appointing a chief of police, police constables, special policemen, additional policemen and watchmen, now provided for by law or now possessed, by the mayor and city council of said city of Cadillac, are hereby transferred to and vested in said board of police and fire commissioners, subject to such limitations and restrictions as to numbers, qualifications and compensation as are provided in the city charter of said city for the government of the mayor and common council in making such election or appointments. Said board shall accordingly have power, and it shall be their duty, on the first Monday in May in the year eighteen hundred ninety-five, or as soon thereafter as may be, to appoint a chief of police, and so many police and watchmen as they may deem necessary (not to exceed the number authorized by the council), who shall hold their office during the pleasure of the board. They may also appoint as many special police, with or without compensation, in time of special emergency, or apprehended danger from riot or other cause of alarm, as they may deem expedient. Said board, whenever it shall seem to them discreet, may also, on the application of any person or persons showing the necessity thereof, appoint any number of special police constables to do duty at any designated place or places within said city, at the charge and expense of the person or persons by whom the application shall be made, and the special police constables so appointed shall perform duty only at the places designated by said board, and shall continue in office at the pleasure of said board for a term not exceeding one year: *Provided*, That the present chief of police and police constables shall

remain in office until dismissed, or until their successors are chosen by said board.

SEC. 8. Said chief of police, special policemen and watchmen shall possess all the powers and privileges that are now conferred on like officers by the charter of said city. They shall have the same power as constables now have by law, except as to the service and return of civil process and proceedings in civil cases, and shall be subject to the same liabilities, except as otherwise provided by law. They shall have power and authority to execute, serve and return all process for the enforcement of all ordinances of said city and the provisions of the charter of said city and of this act, issued by the recorder's court of said city, and shall perform such other duties not inconsistent with this act or the charter of said city, as the city council shall by ordinance or otherwise prescribe.

Powers of chief of police and special policemen.

SEC. 9. Said board of commissioners may, whenever it shall seem to them best, dismiss from the department and from service the chief of police or any member of the police force, or any watchman, with or without charges or a trial, and no such dismissed person shall be entitled to any compensation after such dismissal, and said board may, at pleasure, change any member of said police department from one grade of service to another at any time, and may suspend any member of the department with loss of pay for such time as they may fix.

May be dismissed from department and service.

SEC. 10. Said board shall have power, and it shall be their duty, to make all such rules and regulations for the government and discipline of said police department as they may deem best calculated to secure thoroughness and efficiency. They shall prescribe suitable uniforms and badges for the several members of the department; shall establish proper regulations for the care and management of such police stations as may be provided by the city council for the accommodation of the police force for the lodging of vagrants and disorderly persons and for the temporary detention of persons arrested for offenses. They shall purchase all supplies and materials needed for the use of the department. They may adopt such system of reports from members of the force to the chief and from the chief to the board, as they may think desirable, and may, in their discretion, require a bond to the city from the chief or any member of the department as security for the proper performance of his duties. They shall prescribe the duties of the chief of police and of all regular and special police constables, and shall provide for the preservation of the public peace, for the prevention of crime, for the arrest of all offenders against the peace and good order of the city, and of all persons violating the ordinances of the city. They shall provide for the protection of the rights of persons and property and for the preservation of order at fires and at all railroad depots and steamboat landings, and shall cause the enforcement of all ordinances of the city and laws of the State in regard to

Rules and regulations.

Further duties of board of commissioners.

health, and all other ordinances proper to be enforced by the police of said city. And it shall be the duty of said board at all times, whenever consistent with the regulations of the board and the requirements of this act, to furnish all information desired, and comply with all requests made by the city council of said city or by the mayor thereof.

#### OF THE FIRE DEPARTMENT.

Property to be transferred to board of commissioners.

SEC. 11. On and after the organization of the board of police and fire commissioners, as herein provided, all the engine houses, fire engines and apparatus, horses, hose, implements, tools, bells, bell tower, fire alarm telegraph, and all property of whatever nature then in use by the fire department of the city of Cadillac, shall be transferred by all persons having charge of the same to the keeping and custody of said commissioners, and the care and control of said fire department shall pass to said board, who shall have power to reorganize and maintain said department, and prescribe all rules and regulations for the government of the same, and prescribe reasonable fines and penalties for the breach of any such rules and regulations.

Appointments to be made by board.

SEC. 12. Said board shall appoint one chief of the fire department, a proper number of firemen and fire wardens, such number of hook and ladder men and of hose men as they may think best, all to have the privileges and exemptions of firemen, and to hold their appointment during the pleasure of said board, and said board shall, as soon as may be after assuming control of said department, prescribe and publish, in convenient form for use, a system of rules and regulations for the government of the fire department; but until such rules and regulations are published as aforesaid, the rules heretofore adopted by the city council of said city in relation to said department shall remain in force, and the present members of said department shall continue to hold their positions until appointments are made by said board.

Power to purchase fire engines, etc.

SEC. 13. Said board shall, when authorized by the council, have the power to purchase all such fire engines, with their hose and apparatus, horses, hose carts, ladders, trucks, fire hooks, fire buckets and other tools, implements and conveniences for the extinguishment of fires, and to prevent injuries by fires, as may from time to time be necessary, or repair or replace the same, and they shall have power to make all needed repairs to any of the engine houses now built in said city, but they shall not have power to purchase real estate or erect engine houses.

To organize city into fire districts.

SEC. 14. Said board shall have power to organize said city into as many fire districts as they may deem necessary, to prescribe rules for the inspection of buildings by the fire warden, and prescribe the duties of such fire warden, to control the cisterns and hydrants in use by said fire department, to direct

the manner in which the bells of the city shall be tolled or rung, whistle or whistles blown, in case of fire or alarms of fire, and to establish and maintain an efficient system of fire alarm telegraph, and such other telegraphic apparatus as may be necessary to secure the highest efficiency of the department.

SEC. 15. The chief of the fire department, under the direction of the board, shall have the custody and general superintendence of the fire engines, engine houses, hooks, ladders, hose, horses, public cisterns, hydrants and other property and conveniences for the extinguishment and prevention of fires; and it shall be his duty to see that the same are kept in order, and to see that the rules, regulations and ordinances relative to the fire department and to the prevention and extinguishment of fires are duly executed, and to make detailed and particular reports of the state of the department, the conduct of the members thereof, and such other matters as may be required by the rules and regulations to the said board of police and fire commissioners.

Chief of fire department,  
duties of.

SEC. 16. Said board shall prescribe the duties of the chief and other members of the fire department at fires, and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires; and in no case shall any member of said board, or any officer of the city, control or direct the chief or assistant during any fire. They may provide for the removal and keeping away from fires of all idle, disorderly or suspicious persons, and may confer powers for that purpose on the firemen, fire wardens or other officers of the city. They shall require reports from the chief, or other officer in charge of the department, of all fires, fire alarms, losses, and insurance on all property destroyed and keep proper record thereof and shall report the same monthly to the city council of said city. And it shall be competent for said board at any time if in their best judgment proper to send any steam or fire engine, hose or other apparatus to the relief of any community in the vicinity of said city.

Further duties  
of board of police  
and fire commissioners.

SEC. 17. Whenever any building in said city shall be on fire it shall be the duty and be lawful for the chief of the fire department with the consent of any member of the board of police and fire commissioners to order and direct such building or any other building in the vicinity; which they may deem hazardous, and likely to communicate fire to other buildings or any part of such building to be pulled down and destroyed and no action shall be maintained against any person or against said city therefor; but any person interested in such building so destroyed or injured may, within three months thereafter, apply to the city council to assess and pay the damages sustained, and the amount of such damages shall be ascertained and paid in accordance with the provisions of the charter of said city.

Idem.

Idem.

SEC. 18. The said board shall see that all ordinances of the city council and all provisions of law relating to the fire department and to the prevention and extinguishment of fires, are faithfully enforced, and they may at all times call upon and direct the police force to enforce any and all such ordinances and laws.

## GENERAL PROVISIONS.

Estimate of cost and expense of providing for and maintaining police and fire departments to be submitted to city council.

SEC. 19. It shall be the duty of said commissioners to prepare and submit to the city council of said city, on or before the fifteenth day of September in each year, an estimate of the whole cost and expense of providing for and maintaining the police and fire departments of said city for the ensuing year, in accordance with the provisions of this act, which estimates shall be separate for the two departments and shall be in detail, specifying the objects of expenditures, the sums desired for each and such special reasons for the same as the board may have. The amounts of money so estimated to be necessary, or such amount as the city council shall by resolution determine to be necessary, shall be certified by the city clerk of said city, to the clerk of the county of Wexford, with the other sums determined to be raised by tax for city, highway, sewer and other purposes, in accordance with the provisions of the charter of said city.

To be raised by tax.

Provisions of charter relating to police system and fire department repealed.

SEC. 20. The provisions of the charter of the said city of Cadillac, relating to the police system and fire department of said city, are hereby repealed, so far as the same may be in conflict with the provisions of this act, and so far as may be necessary to give full force and effect to the provisions of this act, and it is hereby made the duty of the city council of said city to pass any and all ordinances that may from time to time be necessary to fully carry out the provisions of this act, and as may be necessary to enforce all lawful rules and regulations made by said board.

## TITLE IX.

## BOARD OF HEALTH.

For preservation of public health.

SECTION 1. The city council shall have power, and it shall be their duty, to adopt measures for the preservation of the public health of said city; to restrain or prohibit the exercise of any unwholesome or dangerous business or avocation within the limits of said city; the city council shall also have power, and it shall be their duty to appoint, on the nomination of the mayor, in the same manner that other officers are to be appointed under the provisions of this act, on the first Monday in May, eighteen hundred ninety-five, or as soon thereafter as

City council to appoint board of health.



may be, three persons electors of said city, who shall constitute the board of health of the city of Cadillac. One of the said electors, so appointed, shall hold his office for the term of one year, one for the term of two years, and one for the term of three years, from and after the first Monday in May, eighteen hundred ninety-five, and until their successors are appointed and qualified. The term for which each of said electors is to be appointed shall be designated by the mayor in making the nomination, which nomination shall be in writing. On the first Monday in May of each year thereafter, or as soon thereafter as may be, a member of said board shall be appointed in like manner as his predecessor, who shall hold the office for the term of three years from and after the first Monday in May in the year of his appointment and until his successor shall be appointed and qualified. Vacancies in said board shall be filled in the manner provided in this act for filling vacancies in appointive offices. The board of health thus constituted for the purpose of organization and management of its department, shall have all the authority, in addition to the special powers vested in said board by this act, that is conferred upon boards of health by the general laws of this State not repugnant to the provisions of this act. The board of health, as herein provided, shall, when properly appointed, assume control of the books and papers formerly held by the city council, board of health or health officer, and from that time shall perform all duties prescribed by law to be performed by boards of health in townships and cities in this State.

Terms of office  
of members.

Vacancies in  
board, how  
filled.

Powers of.

Sec. 2. Said board of health shall have power, and it shall be their duty, to appoint a health officer, who shall be a practicing physician, and a graduate of some legally authorized medical college. Said health officer shall by virtue of his office be city physician and shall have charge of all cases wherein the city will ultimately have to bear the expense of physicians' services. Said health officer shall have the powers and perform the duties conferred and imposed upon him by this act, and by the general laws of this State in regard to health officers, not inconsistent with the provisions of this act, and shall possess such powers and perform such duties, not inconsistent with this act and the general laws of this State, as he shall from time to time be required to do by the board of health of said city. Said health officer and the city scavenger, as hereinafter provided, may be removed from office by said board, a majority of its members voting for a removal. The salary of the health officer shall be determined by the council.

City physician.

Powers and  
duties of.

How removed.

Salary of.

Sec. 3. Said board of health shall have the power, and it shall be their duty, as soon after the first Monday in May, eighteen hundred and ninety-five, as possible, to appoint a city scavenger, prescribe his duties. All bills for scavenger work shall be audited by the board of health and certified by the city council, and if considered proper charges against the city

City scavenger.

Bills for scaven-  
ger work shall  
be audited by  
board of health.

by the council, the council shall order them paid from the proper funds.

Terms of office of health officer and city scavenger.

SEC. 4. The said health officer and the city scavenger, provided for by the two preceding sections of this act, shall hold their respective offices until removed or their successors duly appointed; but in no case shall they, or either of them, be removed for political reasons.

## TITLE X.

### MISCELLANEOUS PROVISIONS.

Officers now in office shall continue in office until their respective terms shall have expired.

SECTION 1. The officers of said city now in office shall continue in office until their respective terms shall have expired and until their successors are elected or appointed and qualified, unless herein otherwise provided, with the same powers and duties as are conferred by this act, and act number one hundred seventy-eight of the session laws of eighteen hundred seventy-three, entitled "An act for the incorporation of cities," and also act number two hundred sixty-five of the local acts of eighteen hundred eighty-five, entitled "An act to reincorporate the city of Cadillac."

City to be governed by act 178, session laws of 1873, except as herein otherwise provided.

SEC. 2. The said city of Cadillac shall, in all things not herein otherwise provided, be governed by and its powers and duties defined and limited by an act entitled "An act for the incorporation of cities," being act number one hundred seventy-eight of the session laws of eighteen hundred seventy-three, approved April twenty-ninth, eighteen hundred seventy-three, which act is hereby made and constituted a part of the charter of the said city of Cadillac, except as herein otherwise provided.

By-laws and ordinances to remain in force.

SEC. 3. The by-laws and ordinances of said city, heretofore in force, and not inconsistent with this act, shall remain in force after the passage of this act until altered, amended or repealed by the city council.

Acts repealed.

SEC. 4. Act number two hundred sixty-five of the local acts of eighteen hundred eighty-five, entitled "An act to reincorporate the city of Cadillac," and act number three hundred fifty-six of the local acts of eighteen hundred ninety-three, entitled "An act to amend section one of act number two hundred sixty-five of the local acts of eighteen hundred eighty-five, entitled 'An act to reincorporate the city of Cadillac,'" and all other acts and parts of acts inconsistent with this act, are hereby repealed: *Provided, however,* That the city hereby incorporated shall be considered a continuance of the corporations by said acts created and shall be liable for all obligations,

proviso.

and entitled to all benefits accruing to said city of Cadillac by said acts.

This act is ordered to take immediate effect.

Approved May 22, 1895.

[ No. 430. ]

**AN ACT** to authorize the city of Gladstone, in the county of Delta, and State of Michigan, to borrow money and issue the bonds of said city therefor to be used in paying any judgment that may be rendered against said city in any cause now pending in any United States court.

**SECTION 1.** *The People of the State of Michigan enact,* That whenever any judgment shall be rendered against the city of Gladstone in any cause now pending in any United States court, the city council of said city of Gladstone is hereby authorized and empowered to borrow on the faith and credit of said city, a sum of money not exceeding the sum of sixteen thousand dollars, and only for the amount of any such judgment with cost of suit, for a term not exceeding sixteen years from date of issue, and at a rate of interest not exceeding six per cent per annum, payable semi-annually, and to execute the coupon bonds of said city therefor in such form as When authorized to borrow money. said city council shall determine, and to provide for payment of same by tax upon all the taxable property in said city, said bonds to be payable when the city council shall direct: *Provided,* That the sum of at least one thousand dollars of the principal of said amount shall be payable annually. Bonds. Provision.

**SEC. 2.** All money borrowed under the provisions of this act shall be applied by the city council to the payment of any judgment that may have been, or hereafter may be rendered against said city in any cause now pending in any United States court, and the interest and costs due thereon at the time such bonds are issued, and to no other purpose. How applied.

**SEC. 3.** It shall be the duty of the mayor, council, city assessor, and all other proper officers of said city to provide by tax upon all taxable property in said city for the payment of said bonds and the interest thereon as the same shall become due and payable as authorized under the provisions of this act. To provide by tax for payment of bonds.

This act is ordered to take immediate effect.

Approved May 22, 1895.

[ No. 431. ]

AN ACT to amend act two hundred and thirty-three of the session laws of one thousand eight hundred and sixty-nine, as amended, being an act entitled "An act relative to free schools in the city of Detroit," approved February twenty-fourth, one thousand eight hundred and sixty-nine, by adding to said act a new section to stand as section twenty-seven.

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That act two hundred and thirty-three of the session laws of one thousand eight hundred and sixty-nine, as amended, being an act entitled "An act relative to free schools in the city of Detroit," approved February twenty-fourth, one thousand eight hundred and sixty-nine, be and the same is hereby amended by adding thereto a new section to stand as section twenty-seven, and to read as follows:

Board to establish school teachers' retirement fund.

SEC. 27. The said board of education shall establish what shall be known as the public school teachers' retirement fund, which fund shall be administered according to such rules and regulations, by-laws and ordinances, as may be adopted by the board of trustees hereinafter provided for. The treasurer of said board is hereby given power to hold all moneys belonging to said fund, and invest or pay out the same under the direction of said board of trustees as hereinafter provided. Said fund shall consist of:

Power of treasurer to hold, invest, or pay out said fund.

What the fund shall consist of.

*First,* All money, pay, compensation, or salary, or any part thereof, deducted or withheld from any teacher or teachers on account of absence from duty, or any cause, in accordance with the provisions of the rules of the board of education;

*Second,* All moneys received from donations, legacies, gifts bequests or otherwise for or on account of such fund;

*Third,* All such other moneys as may be obtained from miscellaneous sources or appropriated or raised thereof by approval of the common council and board of estimates;

*Fourth,* All percentages the said board shall deem reasonable and expedient to deduct from the salaries of the teachers in the public schools of said city, and which shall not exceed one per cent of the salary of each teacher;

*Fifth,* All interest or income derived from the above moneys.

Board of trustees.

The board of education, together with the superintendent of schools and two representatives to be selected by the teachers of public schools, under control of said board, shall form a board of trustees, a majority of whom shall determine the amount to be deducted from the salaries paid to teachers as aforesaid, and shall have charge of and administer said fund, and said board of trustees shall have power to invest the same as shall be deemed most beneficial to said fund, and shall have power to make payments from said fund of annuities granted in pursuance of this act, and shall from time to time make and establish such rules and regulations, by-laws and ordinances

Power of.

for the administration of said fund as they shall deem best. On and after the passage of this act said board of education shall so amend its by-laws relating to the absence from duty of teachers as to provide that reasonable sums shall be deducted from the salaries of teachers on account of such absence from duty, and said sums shall be transferred to and become a part of said teachers' fund. Said board shall have the power to retire any teacher after said teacher has taught in said public schools during a period aggregating twenty-five years, and any teacher shall have the right to retire after having taught said period: *Provided, however,* That three-fifths of said term of service of twenty-five years shall have been rendered by said beneficiary within the limit of the municipality where said board of education has jurisdiction. Any teacher so retired by said board, or who may retire voluntarily at the expiration of said period, shall be entitled to receive an annuity not to exceed the sum of four hundred dollars. The said board shall have the power, with the consent of any teacher, to continue to employ said teacher after the time when it can retire the said teacher as aforesaid. In computing said period of twenty-five years for the present teachers in said schools, they shall receive credit for the time they have heretofore taught in them, and said board may place upon the roll of retired teachers any one who has taught in said schools for thirty years. The president and secretary of said board of education shall once in three months certify to the treasurer of said board all amounts deducted from the salaries of teachers in accordance with the provisions of this act, which amounts as well as all other moneys contributed to said fund shall be set apart and held by the treasurer as a special fund hereinbefore specified, subject to the order of said board of education and superintendent of schools and two representatives as aforesaid and same shall be paid out upon warrants signed by the president and secretary of said board of education. It shall be the duty of said board, at the time it is required by law to submit its estimates for each year, to report with said estimates the condition of said fund.

Board to amend  
by-laws relating  
to absence of  
teachers, etc.

Proviso.

Teachers, when  
entitled to an  
annuity.

President and  
secretary of  
board to certify  
amount deduct-  
ed from salaries.

To submit esti-  
mates and con-  
dition of fund.

All acts and parts of acts inconsistent with this act are hereby repealed.

All inconsistent  
acts repealed.

This act is ordered to take immediate effect.

Approved May 22, 1895.

[ No. 432. ]

AN ACT to authorize the board of supervisors of Bay county to fix the compensation to be paid to members of committees of said board for committee work done by its order.

Authority of board of supervisors to fix compensation to be paid members of committees.

Proviso.

Further proviso.

SECTION 1. *The People of the State of Michigan enact,* That the board of supervisors of the county of Bay is hereby authorized to fix the compensation of members of a committee on claims and accounts, a committee on ways and means, and a committee on public buildings, at the sum of three dollars per day for the time actually employed by such members of committees, while discharging the duties of any such committee: *Provided,* That nothing herein contained shall be construed to authorize the payment to members of committees of such board any compensation for their services as members of any such committee while said board of supervisors shall be in session, nor shall any member of any committee be entitled to payment under the provisions of this act for more than ten days service any one year as member of such committee, nor shall any committee, the members of which may be entitled to compensation under this act consist of more than three members: *Provided further,* That any supervisor receiving further or other compensation for such services shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

This act is ordered to take immediate effect.

Approved May 22, 1895.

[ No. 433. ]

AN ACT for the protection of fish in the Saginaw bay.

Use of certain devices for fishing in Saginaw bay.

SECTION 1. *The People of the State of Michigan enact,* That it shall not be lawful for any person or persons to set, place or use any pound, trap, stake, gill or set net or seine, or any like device of any kind for taking or catching fish in that portion of the Saginaw bay described as a channel two hundred and fifty feet in width, being one hundred and twenty-five feet on each side of a line commencing at the intersection of the channel at the mouth of the Saginaw river with the line of the range lights, produced, as established by the United States, and running thence north two degrees and five minutes east upon the line of said range lights, produced, in the center of the channel or out, as dredged by the United States, to the

main or deep waters of the Saginaw bay beyond the northerly limits of such dredge cut.

Sec. 2. Any person who shall be found guilty of a violation of any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars nor more than fifty dollars, together with the costs of prosecution, and in default thereof shall be confined in the county jail until such fine and costs shall have been paid, but such confinement shall not exceed thirty days. Penalty.

Approved May 23, 1895.

[ No. 434. ]

AN ACT to incorporate the city of Three Rivers, and to repeal act number one hundred and sixty-one of the session laws of eighteen hundred fifty-five, entitled "An act to incorporate the village of Three Rivers," approved February thirteenth, eighteen hundred fifty-five, and all amendments thereto.

## CHAPTER I.

### INCORPORATION AND BOUNDARIES.

SECTION 1. *The People of the State of Michigan enact,* Corporate name and powers.  
That the corporation heretofore created and known as the village of Three Rivers, and the inhabitants thereof, shall be, and are hereby created and constituted a corporation by the name of the city of Three Rivers, and by that name may sue and be sued, contract and be contracted with, implead and be impleaded, complain and defend in any and all courts of law and equity; may have a common seal, and alter it at pleasure, and may take, hold, purchase, lease, convey and dispose of real, personal or mixed estate, for the use of said corporation, and exercise all the powers in this act conferred.

Sec. 2. That all that tract of country situated in the township of Lockport, in the county of St. Joseph and State of Michigan, bounded and designated as follows: Commencing on the township line between the townships of Lockport and Fabius, at a point forty rods north of section corners numbers seven and eighteen, in the township of Lockport, and running thence south on the township line to the west quarter post of section number nineteen; thence east on the quarter line to the center of the channel of the St. Joseph river; thence down the channel of the St. Joseph river to the intersection of the south half quarter line of section number nineteen; thence east on the south half quarter line to the east line of the west half of the southwest quarter of section number twenty; thence north on the east line of the west half of the west halves of Territory incorporated.

sections number twenty, seventeen and eight, to a point on said line forty rods north of the section line between sections number eight and seventeen; thence west, on a line parallel to the south line of section number eight, to the place of beginning, shall be, and the same is hereby constituted a city corporate, under the name of the city of Three Rivers, and subject to the municipal control of said corporation.

## CHAPTER II. .

### WARDS AND THEIR BOUNDARIES.

Wards.	SECTION 1. The city of Three Rivers shall be divided into four wards, with their several boundaries established as follows:
First ward.	<i>First</i> , All that part of said city, lying between Rocky river and Portage river and bounded by said Rocky river on the west, by said Portage river on the east, and by the St. Joseph river on the south, shall constitute the first ward thereof;
Second ward.	<i>Second</i> , All that part of said city, lying south and east of the St. Joseph river, shall constitute the second ward thereof;
Third ward.	<i>Third</i> , All that part of said city lying west of the Rocky river and the St. Joseph river shall constitute the third ward thereof;
Fourth ward.	<i>Fourth</i> , All that part of said city, lying east of the Portage river and north of the St. Joseph river, shall constitute the fourth ward thereof.

## CHAPTER III.

### OFFICERS OF THE CITY.

City officers.	SECTION 1. The officers of the city shall be a mayor, city clerk, city treasurer, two justices of the peace, ten aldermen, three supervisors, four constables, city attorney, health officer, city marshal, street commissioner and chief engineer of the fire department.
Elective officers.	SEC. 2. The mayor, city clerk, city treasurer and two justices of the peace shall be elected by the qualified electors of the whole city: <i>Provided</i> , That no person shall be eligible to the office of city treasurer for more than two terms in succession.
Proviso.	
First ward.	SEC. 3. In the first ward there shall be elected by the qualified electors of said ward one supervisor, three aldermen and one constable.
Second ward.	SEC. 4. In the second ward there shall be elected by the qualified electors of said ward one supervisor, three aldermen and one constable.
Third and fourth wards.	SEC. 5. In each of the third and fourth wards there shall be elected by the qualified electors thereof two aldermen and one constable.
Supervisor.	SEC. 6. The third and fourth wards together shall have one supervisor, who shall be elected by the qualified electors of



both wards. He shall be an elector of one of said wards; and his removal from one of said wards to the other of said wards shall not interfere with his holding said office. He shall be designated as the supervisor of the third and fourth wards, and, as a member of the board of supervisors of the county of St. Joseph, shall have the like powers and perform the like duties only, of any other one member of said board. He shall make a separate assessment roll for each of said wards, in the manner in this act provided, and his powers and duties with respect to each of said wards shall in all things be the same as though he were elected as the supervisor for such ward alone; and for all the purposes of this act, except as herein otherwise provided, he shall be, and shall be considered and treated as the supervisor of each of said wards, wholly independent of the other.

Powers and duties of.

SEC. 7. The following officers shall be elected by the city council: A city attorney, city marshal, street commissioner, health officer and chief engineer of the fire department.

Officers to be elected by city council.

SEC. 8. The council may also, from time to time, provide by ordinance for the appointment of, for such term as may be provided by the ordinance, such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act. All such appointments shall be made by the mayor, by and with the consent of the council, and their powers and duties shall be prescribed by ordinance.

Other officers.

SEC. 9. On the first Monday in May, in each year, or as soon thereafter as may be, the council shall proceed to elect the officers herein provided to be elected by the said council.

When council shall proceed to elect officers.

SEC. 10. Appointments to office, except appointments to fill vacancies, shall be made on the first Monday in May in each year; but appointments which for any cause shall not be made on that day, may be made by the mayor, and confirmed at any subsequent regular meeting of the council.

When appointments to be made.

SEC. 11. The mayor, city clerk, city treasurer, supervisors and constables shall hold their offices for the term of one year from the first Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their offices.

Terms of office of elective officers.

SEC. 12. The aldermen, except as herein otherwise provided, shall hold their offices for the term of two years from and after the first Monday in April of the year when elected, and until their successors shall be elected, qualified and shall enter upon the duties of their offices; and each justice of the peace, except as herein otherwise provided, shall hold his office for the term of four years from and after the fourth day of July of the year when elected, and until his successor shall be elected, qualified and shall enter upon the duties of his office.

Idem.

SEC. 13. All officers appointed by the mayor or elected by the council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the first Monday of May next after such appointment or election and until their successors are qualified and enter upon the duties of their office, unless a different term of office shall be provided

Terms of office of appointive officers.

Of officer  
elected to fill  
vacancy.

in this act, or in the ordinance creating the office. Any officer elected to fill a vacancy in an elective office shall hold the office during the residue of the term of office in which the vacancy occurred, and any officer appointed to fill a vacancy in any elective office shall hold such office until the next annual city election.

Justices of the  
peace, when to  
enter upon the  
duties of their  
offices.

SEC. 14. Justices of the peace not elected to fill vacancies shall enter upon the duties of their offices on the fourth day of July next after the election. In all other cases officers shall enter upon the duties of their offices immediately upon taking the oath of office and giving the security, if any, required for the performance of the duties of the office.

#### QUALIFICATIONS, OATH AND BOND OF OFFICE.

Who ineligible  
to hold office.

SEC. 15. No person shall be elected or appointed to any office unless he be an elector of the city, and if elected or appointed for a ward, he must, except as herein otherwise provided, be an elector thereof; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or to any board of officers thereof, or to any school district, county, or any other municipal corporation of the State. All votes for, or any appointment of, any such defaulter, shall be void.

Justices of the  
peace to file  
oaths of office.

SEC. 16. Justices of the peace elected in any city shall take and file an oath of office with the county clerk of the county in which the city is located, within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers elected or appointed in the city shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State, and file the same with the city clerk.

Other officers.

Justices of the  
peace to execute  
bonds.

SEC. 17. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk mentioned in the preceding section, the security for the performance of the duties of his office required by law in the case of justices of the peace elected in townships; except that said official bond or security may be executed in presence of, and be [approved] appointed by the mayor; and in case he shall enter upon the execution of the duties of his office before having filed his official oath and bond or security, and such other bond or security to the city as may be required by law or by any law or by any ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships; and every other officer elected or appointed in the city, before entering upon the duties of his office and within the time prescribed for filing his official oath, shall file with the city clerk such bond or security as may be required by law or by any ordinance or requirement of the council, and with such sureties as shall be approved by the council, for the due performance of the duties

Bonds of other  
officers.

of his office, except that the bond or security of the clerk shall be deposited with the city treasurer.

SEC. 18. The council, or the mayor, or other officer, whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act or by any ordinance or direction of the council, shall inquire into the sufficiency of such sureties, and may examine them under oath as to their property; such oath may be administered by the mayor, or any alderman, or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing, and he signed by him, and annexed to and filed with the bond or instrument to which it relates. Sureties on bonds may be examined.

SEC. 19. The council may also, at any time, require any officer, whether elected or appointed, to execute and file with the clerk of the city, new official bonds in the same or in such further sums, and with new or such further sureties as said council may deem requisite for the interests of the corporation. Any failure to comply with such requirement shall subject the officer to immediate removal by the council. New official bond.

#### VACANCIES IN OFFICE.

SEC. 20. Resignations of officers shall be made to the council.

SEC. 21. If any officer shall cease to be a resident of the city, or if elected in and for a ward, shall remove therefrom during his term of office or if any officer shall be removed from office for any cause, the office shall thereby be vacated. If any officer shall be a defaulter, the office shall thereby be vacated. Vacancies in office.

SEC. 22. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security. Idem.

SEC. 23. In case any vacancy occurs in the office of mayor, or in any other elective office, except justice of the peace and constable, by removal from office as herein provided, or from any other cause, the council may fill such vacancy by appointment at any time after such vacancy occurs, and the person or persons so appointed shall hold office until his or their successor or successors shall be elected at the next annual election of said city, and shall qualify and enter upon the duties of such office. Vacancies in the office of justice of the peace and constable shall be filled at the next annual election, or at a special election called for that purpose. Vacancies in any appointive office shall be filled within twenty days after such vacancy occurs, by the mayor, by and with the consent of the council. If any vacancy shall occur in the office of attorney, city marshal, street commissioner, health officer or chief engineer of the fire department, the council shall elect some Vacancy in office of mayor, or other elective office, how filled.

suitable person to fill such vacancy; and such person shall hold such office until the first Monday in May next thereafter. The term "elective office," as used in this act, shall be construed to mean such office only as is required to be filled by vote of the electors of the city, or any ward thereof.

*Liability.*

SEC. 24. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

*Books, etc., to be delivered to successor in office.*

SEC. 25. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall on demand, deliver over to his successor in office all the books, papers, moneys and effects in his custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense, under the general laws of this State now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

## CHAPTER IV.

### FIRST ELECTION.

*Officers to be elected at first election.*

SECTION 1. The first election in and for the said city shall be held on the first Monday in April, A. D. one thousand eight hundred and ninety-six, at which time there shall be elected two justices of the peace, one for the term of two years and one for the term of four years, whose terms of office shall be designated on the ballots; and biennially thereafter one justice of the peace shall be elected for the term of four years.

*Idem.*

SEC. 2. There shall also be elected at said first election ten aldermen whose respective terms of office shall be as follows: In each of the first and second wards, there shall be three aldermen elected, one of whom in each ward shall hold office for one year, and two of whom in each ward shall hold office for two years, and whose terms of office shall be designated on the ballots; and in the year one thousand eight hundred and ninety-seven, and biennially thereafter, there shall be one alderman elected in each of said wards, for the term of two years; and in the year one thousand eight hundred and ninety-eight, and biennially thereafter, there shall be elected in each of said wards, two aldermen, for the term of two years.

*Idem.*

SEC. 3. In each of the third and fourth wards, there shall be two aldermen elected, one of whom in each ward shall hold office one year, and one of whom in each ward shall hold office two years, and the term of office of each shall be designated on the ballots; and every year thereafter there shall be one alderman elected in each of said wards, for the term of two years.

3. 4. At said first election, and annually thereafter, Idem. shall be elected a mayor, city clerk and city treasurer, by qualified electors of the whole city; in each of the first and second wards there shall be elected, by the qualified electors of each ward, one supervisor and one constable; in each of the third and fourth wards there shall be elected, by the qualified electors of such ward, one constable; and the qualified electors of each of said third and fourth wards together shall elect one supervisor.

3. 5. At said first election the qualified electors of said County, State and other officers to be voted for. shall also vote at the several polling places therein, for county, State and other officers as may be required to be voted at such time; and all matters touching the form and contents of the ballot and the casting and canvassing of the same and all other matters touching such election, shall be governed by the general election laws of the State.

3. 6. At least ten days before the first election in and for the new corporation, the council of the old corporation shall appoint four persons in each ward as inspectors of such election. Inspectors of election. and designate the place in each ward, where the election will be held; and cause notice to be given, by the recorder, by hand bills posted in ten of the most public places in each ward, and by publication by at least two insertions in one or more newspapers printed in the city, of the time and place in each ward of holding such election, and of the names of the city and ward officers to be elected; and of the place in each ward where the said inspectors of election will meet, on Saturday next preceding the election, to make a registry of the electors of the new city corporation, and that no person, unless registered in such registry, can be permitted to vote at such election. Said council shall also procure books of registry of the form required by law for the registration of electors in cities, and deliver them to said inspectors. Notice of election.

3. 7. The inspectors of election appointed as provided in the preceding section, shall constitute boards of registration in their respective wards for the purpose of making the first registry of the electors herein. They shall take and file with the village recorder, the oath of office required in this act to be taken by city officers; and shall meet in their respective wards on the day and place appointed in the notice mentioned in the preceding section, and there make a registry of all persons in the wards qualified by law to be registered as electors in the city. In making such registry they shall proceed in the manner provided by law for making the registry of electors in cities. Such registry, when completed, shall be the registry of electors of the several wards of the city. Board of registration.

3. 8. Said inspectors shall be inspectors of such first election in their respective wards, and shall have the same powers, and perform the same duties at the election, and in relation to the canvass of the votes, and in making and returning written statements and certificates of the votes cast, and for the same given, as are required of inspectors at annual city elections. Duties of. Powers and duties of inspectors of election.

tions provided for in this act, except that said written statements and certificates shall be deposited with the village recorder, and the village council shall respectively perform the same duties in respect to the canvass of the votes and returns, and in determining and certifying what persons were elected to office, and in notifying such persons of their election as are required of the city clerk and council in respect to said annual city elections.

The government of the village corporation to continue and proceed as before.

SEC. 9. The government and affairs of the old or village corporation shall continue and proceed as before, and all village officers shall remain in office and exercise their powers and duties as village officers, except as herein otherwise provided, until the city officers and members of the council first elected under the new corporation, shall enter upon the duties of their offices.

Ordinances, by-laws, and resolutions to continue in force.

SEC. 10. All ordinances, by-laws, and resolutions, in force in the said village of Three Rivers, when it shall be incorporated as a city under this act, and not inconsistent herewith, shall continue in full force and effect until repealed or amended by the city council.

All rights and property, etc., to be vested in new corporation.

SEC. 11. All rights and property of any kind and description which were vested in said village corporation under its former organization shall, upon its incorporation as a city by this act, be deemed and held to be vested in the new corporation; and no rights or liabilities, either in favor of or against such former corporation, existing at the time of its incorporation under this act, and no suit or prosecution of any kind shall be in any manner affected by such change, but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the former corporation shall be deemed to be the debts and liabilities of the new corporation, and all taxes levied and uncollected at the time of such change or which shall hereafter be levied before an election shall be held by virtue of this act, shall be collected the same as if such change had not been made: *Provided*, That when a different remedy is given in this act, which can be made applicable to any rights existing at the time of the incorporation of the city under this act, the same shall be deemed culminative to the remedies before provided, and may be used accordingly.

Provided.

## CHAPTER V.

### ELECTORS AND REGISTRATION.

Electors.

SECTION 1. The inhabitants of the city of Three Rivers having the qualifications of electors under the constitution of the State, and no others, shall be electors therein and every elector shall vote in the ward or election precinct where he shall have resided during the ten days next preceding the day of election. The residence of any elector, not being a householder, shall be deemed to be in the ward or election precinct in which he boards or takes his regular meals.

Residence of.

SEC. 2. If at any time the city shall have more than six hundred and fifty electors in any ward thereof, according to the poll list of the last preceding election, the council shall cause such ward to be divided into two or more voting precincts. The manner of making such division, the creation of election inspectors and boards of registration therein and all matters pertaining to such division and the holding of elections in such precincts not covered by the provisions of this chapter, shall be provided for by the council making such division.

When ward to be divided.

#### REGISTRATION.

SEC. 3. The aldermen of each ward shall constitute the board of registration therein, except as in this act otherwise provided. If by reason of the formation of more than one election district in a ward, or other cause, there shall not be any or a sufficient number of aldermen representing such ward or residing within each election district, to constitute a board of registration of two persons, the council shall supply the vacancy or appoint a board of registration for the ward or election district. The members composing such board of registration shall receive two dollars per day as compensation.

Board of registration, who to constitute.

Compensation of members.

SEC. 4. When a ward shall be divided into voting precincts, the boards of registration of the respective voting precincts affected by the change shall meet previous to the time prescribed by law for giving notice of their sessions preceding their next election, and the name of each registered elector, known to have been transferred by such change, from one voting precinct to another, shall be copied into the register of the precinct to which the transfer was made and be stricken from the register of the precinct from which the elector was transferred by the change.

Meeting of board of registration.

SEC. 5. When a new voting precinct shall be formed, the board of registration thereof, at its session next preceding the next election therein, shall make or complete a new register of the electors residing therein, and for that purpose shall remain in session two days; and notice of the formation of such precinct and that a new register of the electors will be made at that session, shall be given with the notice required by law to be given of such session of the board.

New register of electors.

SEC. 6. Each ward, unless otherwise subdivided, shall be in election district. On the Saturday next preceding the general election, and on the Saturday next preceding the day of the regular city election or any special election, and on such other days as shall be appointed by the council, not exceeding three days in all, previous to any such election, the several boards of registration for the city, except as in this act otherwise provided, shall be in session at such places in their several wards as shall be designated, as hereinafter provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the lists of the qualified voters, but said boards may, in their discretion, adjourn or one hour at twelve o'clock, noon, and for one hour at five

Election districts. Sessions of boards of registration for completing the list of voters.

o'clock in the afternoon; during which session it shall be the right of each person then actually residing in the ward or voting precinct, and who, at the then next approaching election may be a qualified elector, and whose name is not already registered, to have his name entered in the register of such ward or voting precinct.

Council to fix the place of meeting in each ward of board of registration.

SEC. 7. At least two weeks previous to the commencement of any such session of the several boards of registration, the council shall fix the place in each ward and voting precinct of the city where the board of registration will meet, and at least eight days before such session of the board, the city clerk shall give notice by hand bills posted in ten of the most public places in each ward or voting precinct, and by publication by one insertion in one or more newspapers printed in the city, of the time and place in each ward or voting precinct when and where the board of registration for such ward or voting precinct will meet. And except as in this act otherwise provided, the general laws of this State relating to the registration of electors in cities shall apply to the registration of electors in the city of Three Rivers.

New registration, when made,

SEC. 8. The boards of registration, at their sessions previous to the general election in November, in the year one thousand eight hundred and ninety-six, shall make a reregistration of the qualified electors of their respective wards, in books of the form provided by law. The same rules shall be observed in such registration as are provided by law for the registration of electors in cities; and a like reregistration of the electors of each ward shall be made at the session of the board next preceding the general election, in the year nineteen hundred, and every fourth year thereafter. When such new registry shall be made the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such reregistration unless his name shall be registered in such new register. Notice that such reregistration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made.

Notice of.

## CHAPTER VI.

### ELECTIONS.

Annual election.

SECTION 1. An annual city election shall be held on the first Monday in April in each year, at such place in each of the several wards of the city, as the council shall designate.

Special elections.

SEC. 2. Special elections may be appointed by resolution of the council, and held in and for the city, or in and for any ward thereof, at such times and place or places as the council shall designate; the purpose and object of which shall be fully set forth in the resolution appointing such election.

Notice of special election.

SEC. 3. Whenever a special election is to be held, the council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held, a notice



med by the city clerk, specifying the officer or officers to be chosen, and the question or proposition, if any, to be submitted to the vote of the electors, and the day and place at which such election is to be held, and the proceedings and manner of holding the election shall be the same as at the annual elections.

SEC. 4. Notice of the time and place or places of holding any election, and of the officers to be elected and the questions to be voted upon, shall, except as herein otherwise provided, be given by the city clerk, at least eight days before such election, by posting such notices in three public places in each ward in which the election is to be held, and by publishing a copy thereof in one or more newspapers published in the city the same length of time before the election, and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

Notice of election to be published.

SEC. 5. The council shall provide and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

Ballot boxes.

SEC. 6. On the day of elections, held by virtue of this act, the polls shall be opened in each ward, at the several places designated by the council, at seven o'clock in the morning or soon thereafter as may be, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. But the boards of inspectors may adjourn the polls at eleven o'clock, noon, for one hour, in their discretion. The inspectors shall cause proclamation to be made upon opening the polls, and shall also cause proclamation to be made of the opening of the polls, one hour, thirty minutes, and fifteen minutes, respectively, before the closing thereof.

Opening and closing of the polls.

Proclamation.

SEC. 7. The supervisor and two aldermen of each ward shall be eligible and one elector of the ward to be appointed by the council shall, except as in this act otherwise provided, constitute the board of inspectors of election. If by reason of the creation of new wards or by a change in the boundaries of existing wards or the creation of more than one election precinct therein, or for any reason there shall not be a sufficient number of the officers last named in any ward to make a board of four inspectors, it shall be the duty of the council, at least one week before the election, to appoint a sufficient number of inspectors, who, with the officers above named, if any, residing in the ward or election precinct, shall constitute a board of four inspectors for the ward or precinct, and if at any election any of the inspectors above provided for shall not be present, remain in attendance, the electors present may choose, *vice*, such number of electors, as with the inspector or inspectors present shall constitute a board of four in number, and such electors so chosen shall be inspectors at that election, during the continuance thereof. Each inspector of election shall receive two dollars per day as compensation.

Board of inspectors of election, who to constitute.

Compensation of.

SEC. 8. The inspectors of election in each ward or voting precinct shall choose one of their number chairman of the

Chairman and clerk of board.

Oath.	board, and shall designate one of their number to act as clerk of the election, and another of their number to act as second clerk, and each person chosen or appointed as inspector of election shall take the constitutional oath of office, which oath either of the inspectors may administer.
Inspectors of State, county, and district elections.	SEC. 9. The inspectors of election, as specified in the last two sections, shall also be inspectors of State, county and district elections in their respective wards or voting precincts.
Elections, how conducted.	SEC. 10. All elections held under the provisions of this act shall be conducted as nearly as may be, in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such elections shall have the same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this State.
Election commissioners.	SEC. 11. The council shall, at least ten days previous to any election, appoint a board of three election commissioners, not more than two of whom shall belong to the same political party, who shall be the board of election commissioners for such city for such election, and they shall perform such duties relative to the preparation and printing of ballots as are required by law of the boards of election commissioners of counties.
Ballot.	SEC. 12. The electors shall vote by ballot. Such ballot shall be prepared and furnished by the board of election commissioners as provided by the general election laws of the State, and shall contain the names of all officers to be voted for, and all questions or propositions submitted to be voted upon, and all matters touching the form and contents of the ballot and the casting and canvassing of the same, and all other matters touching such elections shall be governed by the general election laws of the State when not inconsistent with the provisions of this act.
Council to determine result of election.	SEC. 13. The council shall convene on Thursday next succeeding each election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons are duly elected at the said election to the several offices respectively; and thereupon, the city clerk shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk, in the county in which the city is located, and the other shall be filed in the office of the city clerk.
Certificate of election.	SEC. 14. The persons receiving the greatest number of votes for any office in the city or wards, shall be deemed to have been duly elected to such office; and if there shall be no choice for any office, by reason of two or more candidates having received an equal number of votes, the council shall, at the
When filed	
Who deemed elected.	

meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.

SEC. 15. It shall be the duty of the city clerk, within five days after the meeting and determination of the council, as provided in section sixteen, to notify each person elected, in writing, of his election; and he shall also, within five days after the council shall appoint any person to any office, in like manner notify such person of such appointment.

City clerk to notify persons elected or appointed to any office.

SEC. 16. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the city clerk shall report, in writing, to the council the names of the persons elected or appointed to any office, who shall have neglected to file such oath and requisite bond or security for the performance of the duties of the office.

To report names of persons who shall have neglected to file oath, etc.

## CHAPTER VII.

### DUTIES AND COMPENSATION OF OFFICERS.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council and shall from time to time give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, countersign warrants drawn on the treasurer, see that the laws relating to the city, and the ordinances and regulations of the council are enforced.

Duties of mayor.

SEC. 2. The mayor shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder; and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

Idem.

SEC. 3. The mayor may suspend any policeman for neglect of duty. He shall have authority at all times to examine and inspect the books, records and papers of any agent, employe, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

Idem.

SEC. 4. In the absence or disability of the mayor, or in case of any vacancy in his office, the president *pro tempore* shall perform the duties of mayor during such absence, disability or vacancy.

When president pro tempore to act.

### ALDERMEN.

SEC. 5. The aldermen of the city shall be members of the council, and attend the meetings thereof, and act upon committees, when thereunto appointed by the mayor or council. As conservators of the peace, they shall aid in maintaining

Duties of aldermen.

quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city.

CITY CLERK.

Duties of city clerk.

SEC. 6. The clerk shall keep the corporate seal, and all the documents, official bonds, papers, files and records of the city, not by this act or the ordinances of the city entrusted to some other officer; he shall be clerk of the council; shall attend its meetings, record all its proceedings, ordinances and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify, under the seal of the city, copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be; he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations.

Idem.

SEC. 7. The clerk shall be the general accountant of the city, and all claims against the corporation shall be filed with him for adjustment, and, after examination thereof, he shall report the same with all accompanying vouchers and counter claims of the city, and the true balance as found by him, to the council, for allowance, and when allowed shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made, and to take proper receipts therefor; but no warrant shall be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised or appropriated, the clerk shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised or appropriated, and the amounts thereof to be credited to each fund.

Idem.

SEC. 8. The clerk shall exercise a general supervision over all officers charged in any manner with the receipt, collection and disbursement of the city revenues, and over all the property and assets of the city; he shall have charge of all books, vouchers and documents relating to the accounts, contracts, debts and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all of its debts and liabilities; he shall keep a complete set of books exhibiting the financial condition of the corporation and all its departments, funds and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the warrants drawn thereon, keeping a separate account with each fund; when any fund has been exhausted the clerk shall immediately advise the council thereof.

Idem.

SEC. 9. The clerk shall report to the council, whenever required, a detailed statement of the receipts, expenditures and

financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require.

SEC. 10. The clerk may, subject to the approval of the council, appoint a deputy, who shall possess all the powers and authority of the city clerk, and may exercise all the duties thereof, subject to the control of such clerk, and such deputy shall be paid for his services by the clerk. The clerk shall be responsible for all the acts and defaults of such deputy.

Deputy city clerk.

#### CITY TREASURER.

SEC. 11. The city treasurer shall have the custody of all moneys, mortgages, bonds, notes, leases and evidences of value belonging to the city. He shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof. He shall pay no money out of the treasury except in pursuance of and by authority of law, and upon warrants signed by the clerk and countersigned by the mayor, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of and be charged with all taxes and moneys appropriated, raised, or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund endorsed thereon by the clerk. The treasurer may also, subject to the approval of the council, appoint a deputy, who shall possess all the powers and authority of the treasurer subject to the control of the treasurer; and the treasurer and his bondsman shall be liable for the acts and defaults of such deputy. Such deputy shall be paid for his services by the treasurer. The city treasurer shall be the collector of State and county taxes within the city, and all other taxes and assessments levied within the city; he shall perform all such duties in relation to the collection of taxes, as the council may prescribe, and as provided by this act.

Duties of city treasurer.

SEC. 12. The treasurer shall render to the clerk on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. He shall also exhibit to the council annually, on the first Monday in January, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are

Idem.

made, and the balances remaining in each fund; which account shall be filed in the office of the clerk, and shall be published in one or more of the newspapers of the city.

*Idem.*

SEC. 13. Said treasurer shall take receipts for all moneys paid from the treasury, showing the amount and fund from which payment was made, and the voucher or warrant upon which it was paid, and file the same with the clerk with his monthly report.

*Idem.*

SEC. 14. The city treasurer shall keep all moneys in his hands belonging to the city and to the public schools separate and distinct from his own moneys; and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt, or any of the school or library funds in his custody or keeping, for his own use or benefit or that of any other person; any violation of this section shall subject him to immediate removal from office by the council, and the council is hereby authorized to declare the office vacant, and to appoint his successor for the remainder of his term.

#### CITY MARSHAL.

*Powers and  
duties of city  
marshal.*

SEC. 15. The marshal shall be the chief of the police of the city. As police officer, he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city, are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him, in all proceedings for violations of the ordinances of the city; such process may be served anywhere within the State.

*Idem.*

SEC. 16. He shall suppress all riots, disturbances and breaches of the peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the corporation. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State, or the ordinances of the city, amounting to a breach of the peace, and forthwith take such person before the proper magistrate or court for examination or trial, and may arrest and imprison persons found drunk in the streets until they shall become sober. The marshal may, when an arrest shall have been made at any unreasonable hour, detain any person so arrested in the city prison or lockup, until he can be taken before a magistrate or proper court, as above provided.

*Idem.*

SEC. 17. The marshal shall report in writing and on oath to the council at their first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also, the number remaining in confinement for breaches of the ordinances of the city; the amount of all fines and fees collected by him. All moneys col-

lected or received by the marshal, except fees for his personal services, unless otherwise directed by this act, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the clerk.

SEC. 18. The marshal may collect and receive the same fees Fees. for services performed by him, as are allowed to constables for like services; but in no case shall such fees be charged to, or be paid by the city.

CITY ATTORNEY.

SEC. 19. The attorney, in addition to other duties pre- Duties of city scribed in this act, shall be the legal adviser of the council and of all officers of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute all offenses against the ordinances of the city.

CITY SURVEYOR.

SEC. 20. The council may, in case they shall deem it neces- Powers and sary, provide by ordinance for the appointment, by the mayor duties of city by and with the consent of the council, of a city surveyor, surveyor. whose term of office shall be the same as that of other officers appointed under this act; and they shall also provide for his compensation. The surveyor so appointed shall have and exercise, within the city, the like powers and duties as are conferred by law upon county surveyors; and the like effect and validity shall be given to his official acts, surveys and plats, as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications, required by the council or other officers of the city, relating to the public improvements, buildings, grounds and streets of the city, and all plats, maps, surveys and diagrams made by him as such surveyor, shall be the property of the city and shall be delivered by him to his successor in office. He shall keep a record of all grades and surveys.

STREET COMMISSIONER.

SEC. 21. It shall be the duty of the street commissioner to Duties of street perform or cause to be performed, all such labor, repairs and commissioner. improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and parks within the city, as the council shall direct to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the council.

SEC. 22. He shall make a report to the council, in writing Idem. and on oath, once in each month, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor, the amount of material used, and the expense thereof, and the street or place where such material was used,

or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding report, and no payment for labor or services performed, or for expenses incurred by him shall be made until reported on oath as aforesaid: *Provided*, That nothing in this act shall prevent the council from bestowing the powers and duties of street commissioner upon the marshal when it shall be deemed advisable.

#### CONSTABLES.

Powers and  
duties of con-  
stables.

SEC. 23. The constables of the city shall have the like powers and authority in matters of civil and criminal nature and in relation to the service of all manner of criminal process as are conferred by law upon constables in townships and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of the ordinances of the city.

Idem.

SEC. 24. The constables of the city shall obey all lawful orders of the mayor, aldermen, any justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city; and shall discharge all duties required of them by any ordinance, resolution or regulation of the council, and for any neglect or refusal to perform any duty required of him; every constable shall be subject to a penalty of not less than five dollars nor more than fifty dollars. Every constable, before entering upon the duties of his office, shall give such security for the performance of the duties of his office as is required of constables in townships, or as may be required by the council, and file the same with the city clerk.

Shall give  
security.

#### SUPERVISORS.

Powers and  
duties of super-  
visors.

SEC. 25. The supervisors of the several wards are authorized to perform the same duties in relation to the assessment of property and levying taxes for all purposes in their respective wards, as are imposed by law upon supervisors elected in townships, and they shall have the like powers and perform the like duties in all other respects as supervisors so elected, except as herein otherwise provided, so far as such powers and duties are required to be exercised and performed in their wards; they shall represent their several wards in the board of supervisors of the county in which the city is located, and shall have the rights, privileges, and powers of the several members of such board of supervisors.

To select list  
of jurors.

SEC. 26. The supervisors of the several wards shall select and return lists of grand and petit jurors to the clerk of the county, in the same manner and within the same time as the like duty is required to be performed by township officers.



## JUSTICES OF THE PEACE.

SEC. 27. The justices of the peace elected in any city under the provisions of this act shall have and exercise therein and within the county the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of the justices of the peace by the general laws of the State. They shall have authority to hear, try and determine all actions and prosecutions for the recovery or enforcing of fines, penalties and forfeitures for violations of this act, and for encroachments upon, and injuries to, any of the streets, alleys and public grounds within the city, except in cases where jurisdiction is given to some other court. They shall have authority to hear, try and determine all suits and prosecutions for the recovery and enforcing of fines, penalties and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances, as in the ordinances prescribed and directed, subject only to the limitations prescribed in section seventeen of chapter ten of this act. Powers and authority of justices of the peace.

SEC. 28. The proceedings in all suits and actions before said justices and in the exercise of the powers and duties conferred upon and required of them, shall, except as otherwise provided in this act, be according to, and be governed by, the general laws applicable to justice courts and to the proceedings before such courts. Idem.

SEC. 29. Every justice of the peace shall enter in the docket kept by him, the titles of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city, and all the proceedings and the judgment rendered in every such cause, and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties and forfeitures, moneys and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the justice at all times to the examination of any person desiring to examine the same, and shall be produced by the justice to the council whenever required. Idem.

SEC. 30. All fines, penalties and forfeitures collected or received by any justice of the peace for, or on account of violations of the penal laws of the State, and all fines, penalties, forfeitures and money collected or received by such justice, for or on account of violations of any ordinances of the city, shall be paid over by such justice to the city treasurer on or before the first Monday of the month next after the collection or receipt thereof; and the justice shall take the receipt of the city treasurer therefor and file the same with the city clerk. Idem.

SEC. 31. Every such justice shall report, on oath, to the council, at the first regular meeting thereof, in each month, the name of every person against whom a prosecution has been commenced, or judgment rendered for any of the fines, penalties or forfeitures mentioned in the preceding section, and the Idem.

amount of all moneys received by him on account thereof, or on account of any such suit or prosecution, and the amount thereof paid to the city treasurer since the last preceding report.

*Idem.*

SEC. 32. All fines recovered for the violations of the penal laws of the State, when collected and paid into the city treasury, shall be disposed of as provided by law. The expenses of prosecutions before justices of the peace of the city, for violations of said penal laws, and in punishing the offenders, shall be paid by the county in which the city is located.

*Bond.*

SEC. 33. Each justice of the peace, in addition to any other security required by law to be given for the performance of his official duties, shall before entering upon the duties of his office, give a bond to the city, in a penalty of one thousand dollars, with sufficient sureties to be approved by the mayor, which approval shall be endorsed upon the bond, conditioned for the faithful performance of the duties of justice of the peace within and for the city.

*Misdemeanor.*

SEC. 34. Any justice of the peace who shall be guilty of misconduct in office, or who shall wilfully neglect or refuse to perform or discharge any of the duties of his office required by this act or any of the ordinances of the city, shall be deemed guilty of a misdemeanor, and punishable accordingly, and may be suspended from office by the council during its pleasure.

*Further duties.*

SEC. 35. Every justice of the peace of the city shall account on oath to the council, for all such moneys, goods, wares and property, seized as stolen property, as shall remain unclaimed in his office; and shall make such disposition thereof as shall be prescribed by the ordinances of the city.

*Idem.*

SEC. 36. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with this act, as the council shall deem expedient, and prescribe by ordinance or resolution.

#### COMPENSATION OF OFFICERS.

*Compensation  
of mayor and  
aldermen.  
Of marshal,  
clerk, treasurer,  
city attorney  
and engineer.*

*Of supervisors.*

*Of justices of  
the peace, con-  
stables.*

SEC. 40. The mayor and aldermen may each receive such salary, not exceeding twenty-five dollars per year, as may be prescribed by the council. The city marshal, clerk, treasurer, city attorney and engineer of the fire department, shall each receive such annual salary as the council shall determine by ordinance. The compensation of supervisors for assessing and levying taxes, extending taxes upon their rolls, and for all other services performed by them, shall be two dollars per day for the time actually employed. Justices of the peace, constables and officers serving process and making arrests, may, when engaged in causes and proceedings for violations of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city

shall, except as herein otherwise provided, receive such compensation as the council shall determine.

SEC. 41. The salary or rate of compensation of any officer elected or appointed by authority of this act, shall not be increased or diminished during his term of office; and no person who shall have resigned or vacated any office, shall be eligible to the same office during the term for which he was elected or appointed, when during the same time the salary or rate of compensation has been increased. Salary of any officer not to be increased or diminished during his term of office.

## CHAPTER VIII.

### THE CITY COUNCIL.

SECTION 1. The legislative control and authority of said city shall be vested in a council consisting of the mayor and aldermen elected from each ward, as hereinbefore provided, and the city clerk. Legislative authority vested in a council.

SEC. 2. The mayor shall be president of the council, and preside at the meetings thereof, but shall have no vote therein, except in case of a tie, when he shall have the casting vote. President.

SEC. 3. On the first Monday in May in each year the council shall appoint one of their number president *pro tempore* of the council, who, in absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of president. He shall have a vote upon all questions, but he shall have no casting vote in case of a tie. In the absence of the president and president *pro tempore*, the council shall appoint one of their number to preside; and for the time being he shall exercise the powers and duties of the president *pro tempore*. President pro tempore, when appointed.

SEC. 4. The city clerk shall be clerk of the council, and perform such other duties relating to his office as the council may direct. In the absence of the clerk or his deputy the council shall appoint one of their number to perform the duties of clerk for the time being. City clerk.

SEC. 5. The aldermen, each of whom shall be entitled to a vote in all of the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon. Aldermen.

SEC. 6. The council shall be judge of the election returns, and qualifications of its own members. It shall hold regular stated meetings for the transaction of business, at such times and places within the city as it shall prescribe; not less than one of which shall be held in each month. The mayor may appoint special meetings thereof, notice of which, in writing, shall be given to each alderman, or be left at his place of residence, at least six hours before the meeting. Council to be judge of election returns and qualifications of its members.

SEC. 7. All meetings and sessions of the council shall be public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent mem- Meetings of, to be public. Quorum.

**Taking property, two-thirds vote necessary.**

bers in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley or public ground be vacated, real estate or any interest therein purchased, leased, sold or disposed of, or private property be taken for public use, unless by a concurring yea and nay vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any resolution be passed or adopted except by a vote of a majority of all the aldermen elected to office, except as herein otherwise provided.

**Council to prescribe rules, etc.**

SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays when required by one or more members, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative.

**May compel the attendance of members.**

SEC. 9. The council may compel the attendance of its members and other officers of the city, at its meetings, in such manner, and may enforce such fines for non-attendance as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.

**What officers may take part in proceedings of council.**

SEC. 10. The attorney, marshal, street commissioner, surveyor, engineer of the fire department and superintendent of public works may take part in all proceedings of the council on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

**Council to have control of finances and property.**

SEC. 11. The council shall have control of the finances, and of all the property, real and personal, of the city corporation, except as may be otherwise provided by law.

**May enact ordinances.**

SEC. 12. Whenever by this act or any other provisions of law, any power or authority is invested in, or duty imposed upon, the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.

**Provide for the appointment of standing committees.**

SEC. 13. The council may provide by ordinance for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor.

**Provide for the keeping of records, etc.**

SEC. 14. The council shall cause all the records of the corporation, and of all the proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the city, or to the official acts of any officer of the corporation, unless required

by this act to be kept elsewhere, to be deposited and kept in the office of the city clerk, and to be so arranged, filed and kept, as to be convenient of access and inspection, and all such records, books and papers shall be subject to inspection by any inhabitant of the city or other persons interested therein, at all seasonable times, except such parts thereof as, in the opinion of council, it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter or destroy any such books, records, documents or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of the same from being known, shall, on conviction thereof, be punished by imprisonment in the State Prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

Penalty for defacing, altering, or destroying records, etc.

SEC. 15. No member of the council, or alderman, shall receive any compensation for his services, either as councilman, alderman, committeeman, or otherwise, except as herein provided.

Members of council to serve without compensation.

SEC. 16. No member of the council, or any officers of the corporation, shall be interested, directly or indirectly, in the profits of any contract, job, work or services, other than official services to be performed for the corporation. Any member of the council, or officer of any city, herein specified, offending against the provisions of this section, shall upon conviction thereof, be fined not less than five hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

Not to be interested in contracts, etc.

Penalty.

SEC. 17. Any person elected to office by the council, or appointed by the mayor by and with the consent of the council, by authority of this act, except policemen and night watchmen, whose suspension from office is hereinafter provided for, may be removed therefrom by a concurring vote of two-thirds of all the aldermen elect; and the council may remove from office the mayor, any alderman or any other elective officer of the city, except justices of the peace, by a concurring vote of two-thirds of all the aldermen elect. In case of all elective officers of the city, other than justices of the peace, provision shall be made by ordinance, for preferring charges against such officers, and trying the same; and no removal of any officer of said city, whether elected by the people or the city council, or appointed by the mayor by and with the consent of the council, except policemen and night watchmen, shall be made except by a concurring vote of two-thirds of all the aldermen elect, and unless a charge in writing shall be preferred, and an opportunity given to make a defense thereto. If any proceedings be taken to remove the mayor, by virtue of this act, the president *pro tempore* shall preside at all meetings of the council held for that purpose.

Removals from office.

SEC. 18. To enable the council to investigate charges against any officer, or such other matters as they may deem

Mayor or justice of the peace to issue subpoenas, etc., to compel attendance of persons.

proper to investigate, the mayor, or any justice of the peace of the city, is empowered, at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers, before the council, or any committee thereof.

Power of council to compel witnesses to testify.

SEC. 19. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or chairman of such committee for the time being, shall have power to administer the necessary oaths; and such council or committee shall have the same power to compel the witnesses to testify as is conferred on justice courts.

Audit accounts.

SEC. 20. The council shall audit and allow all accounts chargeable against the city; but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with a certificate of an officer of the corporation, or an affidavit of the person rendering it, to the effect that he verily believes that the services therein charged have been actually performed or the property delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are endorsed or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city, that it has never been presented, certified to or verified as aforesaid, to the council for allowance; or, that the claim was presented without the affidavit aforesaid and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

Account shall exhibit in detail all items making up the amount claimed.

## CHAPTER IX.

### ORDINANCES.

Style of ordinances.  
Vote on.

SECTION 1. The style of all ordinances shall be "The City of Three Rivers ordains." All ordinances shall require, for their passage, the concurrence of a majority of all the aldermen elected. The time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

Fines, penalties, and forfeitures.

SEC. 2. When, by the provisions of this act the council of the city has authority to pass ordinances for any purpose, they may prescribe fines, penalties and forfeitures not exceeding five hundred dollars, unless a greater fine or penalty is herein authorized, or imprisonment not exceeding six months, or both, in the discretion of the court, together with the costs of prosecution for each violation of any of said ordinances; and

may provide that the offender, on failing to pay any such fine, penalty or forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding six months unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison or in the county jail of the county within which the city is located, or in such other prison or place of confinement, in the State, as the council may prescribe. Such fine, penalty, forfeiture and imprisonment, for the violation of any ordinance, shall be prescribed therein.

SEC. 3. No ordinance or resolution passed by the council shall have any force or effect, if, on the day of its passage, or on the next day thereafter, the mayor, or other officer or person legally discharging the duties of mayor, shall lodge in the office of the clerk a notice, in writing, suspending the immediate operation of such ordinance or resolution. If the mayor, or other officer or person legally exercising the office of mayor, shall, within three days after the passage of any such ordinance or resolution, lodge in the office of the city clerk his reasons in writing, why the same should not go into effect, the same shall not go into effect nor have any legal operation, unless it shall, at a subsequent meeting of the council, be passed by a majority of two-thirds of all the aldermen elect and then in office, exclusive of the mayor or other officer or person legally exercising the duties of the office of mayor, and if so repassed shall go into effect according to the terms thereof. If such reasons shall not be lodged with the clerk as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been lodged with the city clerk, and no ordinance or resolution of the council shall go into operation until after the expiration of the twenty-four hours after its passage, unless the said mayor, or acting mayor, shall approve the same in writing.

Ordinance,  
when not to have  
force or effect.

SEC. 4. No ordinance shall be revived unless the whole, or so much as is intended to be revived, shall be reenacted. When any section or part of a section of an ordinance is amended, the whole section as amended shall be reenacted.

When ordi-  
nances not to  
be revived.

SEC. 5. All ordinances when approved by the mayor or when regularly enacted shall be immediately recorded by the clerk of the council, in a book to be called "The Record of Ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

Record of.

SEC. 6. Within one week after the passage of any ordinance the same shall be published in some newspaper printed and circulated within the city, and the clerk shall immediately after such publication, enter upon the record of ordinances, in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made.

Publication.

Certificate of  
publication.

SEC. 7. In all courts having authority to hear, try or determine any matter or cause arising under the ordinances of the

Proof of ordi-  
nances, etc., in  
court.

city, and in all proceedings in said city of Three Rivers, relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations or ordinances of the city, or any resolution adopted by the council thereof, the same may be read in all courts of justice and in all proceedings:

*First*, From a record thereof kept by the city clerk;

*Second*, From a copy thereof, certified by the city clerk under the seal of the city;

*Third*, From any volume of ordinances purporting to have been written or printed by authority of the council.

## CHAPTER X.

### ENFORCEMENT OF ORDINANCES.

Prosecutions for  
violations of  
ordinances.

SECTION 1. Prosecutions for violations of the ordinances of the city shall be commenced within two years after the commission of the offense; and shall be brought within the city, or in the county in which the city is located, in any court of competent jurisdiction.

Recovery of  
penalties.

SEC. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued in one of the actions aforesaid.

Action to be  
brought in name  
of city.

SEC. 3. Such action shall be brought in the name of the city, and shall be commenced by summons. The form, time of return and service thereof, the pleadings, and all the proceedings in the cause, shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action.

Prosecutions for  
violations, how  
begun.

SEC. 4. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender.



SEC. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings, and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment and in the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be, to the provisions of law regulating the proceedings in criminal causes cognizable by justices of the peace. What warrant to contain.

SEC. 6. If the accused shall be convicted, the court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order. Judgment.

SEC. 7. Every such judgment shall be executed by virtue of an execution or warrant. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment without payment operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter for the term named in the sentence. How executed.

SEC. 8. The city of Three Rivers shall be allowed the use of the jail of the county of St. Joseph for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to, and committed to imprisonment, in the jail of St. Joseph county, or in the city prison, or other place of confinement provided by the city, or authorized by the ordinances of the city, and the sheriff or other keeper of such jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged. Use of jail of.

SEC. 9. All process issued in any prosecution or proceeding for the violation of any ordinance of the city, shall be directed to the city marshal, or to any constable of the city or county, and may be executed in any part of the State, by said officers or any other officer authorized by law to serve process issued by justices of the peace. Process, to whom directed.

Setting forth  
ordinance in  
complaint, etc.

Statement of  
cause of action.

Right of trial by  
jury.

Appeal to cir-  
cuit court.

Proceedings,  
bond, etc.

Fines, disposi-  
tion of.

Costs.

SEC. 10. It shall not be necessary in any suit, proceeding or prosecution, for the violation of any ordinance of the city, to state or set forth such ordinance or any provision thereof, in any complaint, warrant, process or pleading therein; but the same shall be deemed sufficiently set forth or stated, by reciting its title and the date of its passage or approval. And it shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence and provisions of the ordinances of the city, and the resolutions of the council, and of the authority of the city to enact the same.

SEC. 11. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except where other provision is made, shall consist of six persons; and in suits commenced by warrant shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.

SEC. 12. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the county in which the city is located, by appeal or writ of *certiorari*; and the proceedings and disposition of the cause in the circuit court shall be the same as on appeal and *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings, by *certiorari*, into the circuit court, and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given, as in cases of appeal and *certiorari* in civil causes, tried before justices of the peace, except that the city shall not be required to give any bond or security thereon. The circuit court to which the cause shall be appealed or removed by *certiorari* shall also take judicial notice of the ordinances of the city, and the resolutions of the council and of the provisions thereof.

SEC. 13. All fines imposed for violations of the ordinances of the city if paid before the accused is committed shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed

shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to the said court or magistrate; and the court or magistrate receiving such fine or penalty, or any part thereof, shall pay the same into the city treasury, except such fines as by the constitution are appropriated for library purposes, on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.

SEC. 14. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. And for this purpose, the suit may be in assumpsit; and it shall be sufficient to declare on the common counts in assumpsit for money had and received. Any person receiving such fine, who shall wilfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Penalty for neglect to pay over.

SEC. 15. Fines paid into the city treasury for violations of the ordinances of the city shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city.

Disposition of fines.

SEC. 16. The circuit court of the county of St. Joseph shall have jurisdiction to hear, try and determine all causes arising under the ordinances of the city for violations thereof, when the fine or forfeiture imposed shall exceed one hundred dollars, or where the offender may be imprisoned for a term exceeding three months. The proceedings in the circuit court in all such cases shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of the criminal laws of the State; and the general laws of the State regulating prosecutions in criminal cases, and to recover penalties, shall apply.

Circuit court to have jurisdiction.

SEC. 17. The justices of the peace of the city shall have jurisdiction in all cases mentioned in the preceding section, when the fine or forfeiture imposed shall not exceed one hundred dollars, or when the offender may be imprisoned for a term not exceeding three months.

Jurisdiction of justices of the peace of the city.

SEC. 18. In all prosecutions for violations of the ordinances of the city, commenced by any person other than an officer of the city, the court may require the prosecutor to file security for the payment of the costs of the proceedings, in case the defendant is acquitted. But he shall not be liable for the payment of the costs if the magistrate before whom the complaint is made, or trial is had, shall certify in his minutes that there was probable cause for the making of such complaint.

Security for costs.

When not to be liable for payment of costs.

## CHAPTER XI.

## GENERAL POWERS OF CITY CORPORATION.

**General powers.** SECTION 1. The city shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, viz.:

**Vice and immorality.** *First,* To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

**Vagrants.** *Second,* To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards, and persons found drunk in any of the public streets or places in the city, disorderly persons, and persons conducting themselves in a disorderly manner in any of the public streets or places in the city, and common prostitutes;

**Nuisances.** *Third,* To prevent injury or annoyance from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to promote or cause disease; to prevent and abate nuisances, and to punish them occasioning them, or neglecting or refusing to abate, discontinue or remove the same; and generally to determine and declare what shall be deemed nuisances;

**Disorderly houses, etc.** *Fourth,* To prohibit and suppress all disorderly houses, and places, houses of ill fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

**Billiard tables, etc.** *Fifth,* To regulate or license the use of billiard tables, nine or ten pin alleys or tables and ball alleys;

**Gaming.** *Sixth,* To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

**Liquors.** *Seventh,* To prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors to any drunkard or intemperate person, minor or apprentice, and to punish any person for so doing;

**Sports, exhibitions, etc.** *Eighth,* To regulate, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historical, literary or scientific subjects excepted;

**Sabbath day.** *Ninth,* To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful pur-

pose; and to require all places of business to be closed on the Sabbath day;

*Tenth,* To license auctioneers, auctions and sales at auctions; Auctioneers. to license, regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to license, regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public biddings or offers by the buyers or seller after the manner of auction sales, and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;

*Eleventh,* To license hawkers, peddlers and pawnbrokers, Hawkers, peddlers, etc. and hawking and peddling, and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing, by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device in or upon the streets, highways, alleys, sidewalks, or in or upon the wharves, docks, or from boats, open places or spaces, public grounds or buildings in the city;

*Twelfth,* To suppress saloons for the sale of spirituous and Saloons. intoxicating liquors, and to prescribe the location of such saloons, or the limits or districts within the city, within which such saloons may be kept; and to license taverns and eating houses;

*Thirteenth,* To license all vehicles of every kind, used for Vehicles. the transportation of persons or property for hire, in the city, and to prohibit riding of bicycles upon or along any of the sidewalks within the corporate limits of said city;

*Fourteenth,* To regulate and license all toll bridges within Toll bridges. the city, and to prescribe the rates and charges for passage over same;

*Fifteenth,* To provide for and regulate the inspection of Inspection of meats. meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions;

*Sixteenth,* To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay, and any article of Weighing and measuring articles of merchandise. merchandise;

*Seventeenth,* To provide for the inspection and sealing of Weights and measures. weights and measures and to enforce the keeping and use of proper weights and measures by vendors;

*Eighteenth,* To regulate the construction, repair and use of Construction of vaults, etc. vaults, cisterns, areas, hydrants, pumps, sewers and gutters;

*Nineteenth,* To prohibit and prevent, in the streets or elsewhere in the city, indecent exposure of the person, the show, Indecent exposure of person. sale or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind;

*Twentieth,* To regulate or prohibit bathing in the rivers, Bathing. ponds, streams and waters of the city;

Clearing  
streams.

*Twenty-first,* To provide for clearing the rivers, ponds and streams of the city, and the races connected therewith, of all driftwood and noxious matter; to provide and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive;

Nauseous or  
unwholesome  
place.

*Twenty-second,* To compel the owner or occupant of any grocery, tallow chandler shop, soap or candle factory, butcher shop or stall, slaughter house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house; to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of said city;

Gunpowder.

*Twenty-third,* To regulate the keeping, selling and using of gunpowder, firecrackers and fireworks, and other combustible materials, and the exhibition of fireworks, and the discharge of firearms, and to restrain the making or lighting of fires in the streets and other open spaces in the city;

Cellars, etc.

*Twenty-fourth,* To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon;

Mock auctions.

*Twenty-fifth,* To prohibit, prevent and suppress mock auctions, and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing or attempting to manage, use or practice the same, and all persons aiding in the management or practice thereof;

Lotteries.

*Twenty-sixth,* To prohibit, prevent and suppress all lotteries for the drawing or disposing of money or any other property whatsoever and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing or managing the same;

Solicitors for  
passengers.

*Twenty-seventh,* To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat or railroad, also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles and vehicles of every other description used and employed for hire and to fix and regulate the amounts and rates of their compensation;

Paupers.

*Twenty-eighth,* To provide for the protection and care of paupers and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper, or other person likely to become a charge upon said city, and to punish therefor;

Census.

*Twenty-ninth,* To provide for taking a census of the inhabitants of the city, whenever the council shall see fit; and to direct and regulate the same;

Dogs.

*Thirtieth,* To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses and to regulate and prevent the running at large of dogs, to require them

to be muzzled and to authorize the killing of all dogs not licensed, or running at large in violation of any ordinance of the city;

*Thirty-first*, To prohibit and punish the use of toy pistols, sling shots and other dangerous toys or implements within said city; Toy pistols.

*Thirty-second*, To require any horses, mules or other animals attached to any vehicle or standing in any of the streets, lanes or alleys in the city to be securely fastened, hitched, watched or held; and to regulate the placing and provide for the preservation of hitching posts; Horses, mules, etc.

*Thirty-third*, To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants to affix numbers on the same; and to designate and change the names of public streets, alleys and parks; Numbering of buildings.

*Thirty-fourth*, To provide for, establish, regulate and preserve all such public fountains and reservoirs within the city as in the opinion of the council the convenience of the inhabitants may require; and also such troughs and basins for watering animals as they may deem proper; Public fountains.

*Thirty-fifth*, To prevent or provide for the construction and operation of street railways and to regulate the same and to determine and designate the route and grade of any street railway to be laid or constructed in said city; Street railways.

*Thirty-sixth*, The council shall further have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever. Ordinances.

SEC. 2. The council may prescribe the terms and conditions upon which licenses may be granted, and may [exact] enact and require payment of such sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the council, and otherwise conditioned as the council may prescribe. Every license shall be revocable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license. Terms and conditions upon which licenses may be granted. Bond. Shall be revocable.

SEC. 3. No license shall be granted for any term beyond the first Monday in June next thereafter, nor shall any license be transferable. And the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation, or trade, or do Term of license. Punishment for carrying on occupation without license.

anything for in respect to which any license shall be required by any ordinance or regulation of the council.

To be paid into city treasury.

SEC. 4. All sums received for licenses granted for any purpose by the city, or under its authority, shall be paid into the city treasury to the credit of the contingent fund.

Council authorized to permit any railroad company or street railway company to lay its track.

SEC. 5. The council of the city shall have authority to permit any railroad company or street railway company to lay its track, and operate its road with steam locomotives or other power, in or across the public streets, highways or alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe; and to prohibit the laying of such track, or the operating of any such road, except upon such terms and conditions. But such permission shall not affect the right or claim of any person for damages sustained by reason of the construction or location of any such railroad or street railway: *Provided*, That no franchise for the use or occupancy of any street for any purpose shall be granted to an individual, company or corporation, except by a two-thirds vote of all the aldermen elect, nor shall any such franchise be granted for a period exceeding thirty years.

Power to change location and grade of street crossings.

SEC. 6. The council shall have power to provide for and change the location and grade of street crossings of any railroad track; and to compel any railroad company to raise or lower their railroad track, to conform to street grades which may be established by the city from time to time; and to construct street crossings in such manner and with such protection to persons crossing thereat as the council may require; and to keep them in repair; also to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains within the city; but such speed shall not be required to be less than four miles per hour; and to impose a fine of not less than five nor more than fifty dollars, upon the company, and upon any engineer or conductor, violating any ordinance regulating the speed of trains.

Power to compel railroad company, etc., to keep open and in repair ditches, drains, etc.

SEC. 7. The council shall have power to require and compel any railroad company, and any street railway company, to make, keep open and in repair, such ditches, drains, sewers and culverts, along and under, or across their railroad tracks, as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct, so that the natural drainage of adjacent property shall not be impaired. If any such railroad company shall neglect to perform any such requirements according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company, in a civil action, before any court having jurisdiction of the cause.



SEC. 8. The council is authorized to enact all such ordinances and by-laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, enclosures and parcels of land in the city; and relative to the assigning to the owners or occupants of such adjoining pieces of land, the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences, and the council may appoint fence-viewers, and prescribe their duties and mode of proceeding in all cases relating to partition fences in said city.

Ordinances and by-laws relative to building fences.

SEC. 9. The council of the city may make such provision as they shall deem expedient for the support and relief of poor persons residing in the city; and for that purpose may provide by ordinance for the election or appointment of a director of the poor for the city, and may prescribe his duties and vest with him such authority as may be proper for the due exercise of his duties.

Provision for support of poor persons.

## CHAPTER XII.

### POLICE.

SECTION 1. The city council may provide by ordinance for a police force, and for the appointment by the mayor, by and with the consent of the council, of such number of policemen and nightwatchmen as they may think necessary for the good government of the city, and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time when in his judgment the emergency or necessity may so require.

Police force.

SEC. 2. The council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and nightwatchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and from unlawful depredation. And the mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such a number of temporary policemen as in his judgment the emergencies of the case may require; but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days.

Rules for the regulation and government of the police.

Temporary policemen.

SEC. 3. The city marshal, subject to the direction of the mayor shall, as chief of police, have the superintendence and direction of the policemen and night watchmen, subject to such regulations as may be prescribed by the council.

Chief of police.

Duties of policemen.

SEC. 4. It shall be the duty of the policemen and night-watchmen and officers of the force, under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, to suppress all riots, disturbances and breaches of the peace and to pursue and arrest any person fleeing from justice, in any part of the State; and to apprehend any and all persons in the act of committing any offense against the laws of the State, or the ordinances of the city involving a breach of the peace, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaint to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of the ordinances of the city, or the penal laws of the State; and at all times diligently and faithfully to enforce such laws, ordinances and regulations for the preservation of good order and the public welfare as the council may ordain; and to serve all process directed or delivered to them for service, and for such purposes the chief of police, and every policeman and nightwatchman shall have all the powers of constables, and may arrest upon view and without process, any person in the act of violating any ordinance of the city involving a breach of the peace, or of committing any crime against the laws of the State. And the chief of police and any policeman may serve and execute all process in suits and proceedings for violations of the ordinances of the city, and also any other process which, by law, a constable may serve.

Fees of,

SEC. 5. When employed in the service of process, policemen shall receive the same fees therefor as are allowed to constables for like services; when otherwise engaged in the performance of police duty they shall receive such compensation therefor from the city as the council may prescribe. Every policeman shall report on oath to the council, at its first meeting in every month, the amount of all moneys and fees received by him for services as policeman since his last preceding report, and the names of the persons from whom received, and the amount received from each.

Make report.

Mayor may suspend or remove any policeman.

SEC. 6. The mayor may suspend any policeman or night-watchman for neglect of duty, misconduct or other sufficient cause; he may remove from office any policeman appointed thereto at any time, when he deems it for the best interests of the city.

## CHAPTER XIII.

### CITY PRISON.

Council may provide for city prison and confinement therein.

SECTION 1. The council shall have power to provide and maintain a city prison, and such watch and station houses as may be necessary, and may provide for their confinement therein of all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those imprisoned therein; and may provide for the employment of any person or persons who may be confined in the

county jail of St. Joseph county, under the provisions of this act or any of the ordinances of the city.

SEC. 2. Any person sentenced to confinement in the city prison or county jail and all persons imprisoned in the said city prison or county jail on execution or commitment for the non-payment of fines for violations of the ordinances of the city, may be kept at hard labor during the term of their imprisonment, either within or without the prison or jail, under such regulations as the council may prescribe.

Prisoner may be kept at hard labor.

## CHAPTER XIV.

### PUBLIC HEALTH.

SECTION 1. The city council may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious or contagious diseases within the city, or within one mile thereof; and for the removal of such persons having such diseases, or who, from exposure thereto or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the council may prescribe, or the public safety may require.

May enact ordinances.

SEC. 2. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the city; and may require any person, corporation or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice, and within such time, and in such manner as the council may by ordinance or resolution direct.

Power to prevent dangerous nuisances.

SEC. 3. If any cellar, vault, lot, sewer, drain, place or premises within the city shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned, amended or purified; or may require the owner or occupant, or person in charge of such lot, premises or place, to perform such duty; and may require the owner or occupant of any building, fence or structure which may be dangerous or liable to fall and injure persons or property, to pull down or remove the same; or the council may cause the same to be done by the proper officers of the city.

Cellars, drains, etc.

Insecure buildings.

SEC. 4. If any person, corporation or company shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council, or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance, or in causing such duty or requirement to

In case of neglect to obey ordinances.

**When city incurs expense.** be performed, such expense may be recovered by the city in an action of debt or assumpsit against such person, corporation or company. And in all cases where the city shall incur any expense for draining, filling, cleansing or purifying any lot, place or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies provided for the recovery of such expense, charge the same or such part thereof as they shall deem proper, upon the lot or premises upon or on account of which such expense was incurred, or from which nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment.

**May regulate places for certain trades.** SEC. 5. The council, when they shall deem it necessary, may from time to time assign, by ordinance, certain places within the city, for the exercising of any trade or employment offensive to the inhabitants or dangerous to the public health; and may forbid the exercise thereof in places not so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

**Hospital and lands therefor.** SEC. 6. The council may purchase the necessary lands, and erect thereon or otherwise provide one or more hospitals, pest houses or quarantine buildings, either within or without the city limits, and provide for the appointment of the necessary officers, attendants or employes, for the care and management thereof, and for the care and treatment therein, of such sick and distressed persons as to the council or board of health of the city shall seem proper; and by direction of the council or board of health, persons having any malignant, infectious disease, or who have been exposed to such disease, may be removed to such hospital, pest houses or quarantine buildings, and there detained and treated, when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any person from departing from such hospital, pest house or quarantine grounds until duly discharged.

**Management, etc.** SEC. 7. The council of the city incorporated under this act shall also have and exercise within and for the city, all the powers and authority conferred upon boards of health by chapter forty-six of the compiled laws of eighteen hundred and seventy-one, and all amendments thereto, being chapter thirty-nine of Howell's annotated statutes of the State of Michigan, so far as the same are applicable and consistent with this act; and they may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

**Council to have authority of boards of health.** SEC. 8. The council when deemed necessary may establish a board of health for the city and elect the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in

**May establish a board of health.**

addition thereto the board shall have and exercise all the power and authority conferred on boards of health by the chapter of the compiled laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule or regulation made by the board of health or any officer thereof.

## CHAPTER XV.

### POUNDS.

SECTION 1. The council may provide and maintain one or more pounds within the city, and may appoint poundmasters, prescribe their powers and duties, and fix their compensation; and may authorize the impounding of all beasts and fowls found in the streets or otherwise at large contrary to any ordinance of the city; and if there shall be no pound or poundmaster they may provide for the impounding of such beasts, geese and fowls by the city marshal, in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of poundmaster.

Council may provide pounds, poundmaster, etc.

Impounding.

SEC. 2. The council may also prescribe the fees for impounding, and the amount or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the beasts, or fowls impounded; and may authorize the sale of such beasts, geese and fowls, for the payment of such fees, expenses and charges, and for penalties incurred, and may impose penalties for [rescuing] any beast or thing impounded.

Fees.

May authorize sale of animals impounded.

## CHAPTER XVI.

### MARKETS.

SECTION 1. The council of the city shall have the power to erect market houses, establish and regulate markets and market places for the sale of meats, fish, vegetables and other provisions and articles necessary to the sustenance, convenience and comfort of the inhabitants; to prescribe the times for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the vendors.

May establish market places.

SEC. 2. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and to preserve order in the markets; and may authorize the immediate seizure, arrest and removal from the market of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted or unsound meats, or other provisions exposed for sale therein.

Rules and regulations.

## CHAPTER XVII.

## PUBLIC BUILDINGS, GROUNDS AND PARKS.

City may erect  
necessary pub-  
lic buildings.

SECTION 1. The city may acquire, purchase and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate and own such real estate as may be necessary for public grounds, parks, markets, public buildings and other purposes necessary or convenient for the public good, and the execution of the powers conferred in this act; and such buildings and grounds, or any part thereof, may be sold, leased and disposed of as occasion may require.

Prisons, etc.,  
may be outside  
city limits.

SEC. 2. When the council shall deem it for the public interest, grounds and buildings for city prisons, workhouses and other necessary public uses, may be purchased, erected and maintained beyond the corporate limits of the city; and in such cases the council shall have authority to enforce, beyond the city limits, and over such lands, buildings and property, in the same manner and to the same extent as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, workhouses or hospitals.

Care, etc., of  
public grounds.

SEC. 3. The council shall have authority to lay out, establish and enlarge, or vacate and discontinue public grounds and parks within the city, and to improve, light and ornament the same, and to regulate the care thereof, and to protect the same and the appurtenances thereof from obstruction, encroachment and injury, and from all nuisances.

## CHAPTER XVIII.

## SEWERS, DRAINS AND WATER COURSES.

Construction of  
sewers, etc.

SECTION 1. The council of the city may establish, construct and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds.

Board of sewer  
commissioners.

SEC. 2. The board of public works shall have the management, supervision and control of the sewers, sewerage system and drainage of the city, and the charge of their construction, subject to the general direction and approval of the council, as herein provided, and the council may by ordinance prescribe the powers and duties of said board, relating to all matters

connected with the sewers, sewerage system and drainage of the city.

SEC. 3. Whenever it may become necessary in the opinion of the council to provide sewerage and drainage for the city, or for any part thereof, it shall be their duty to instruct and direct the board of public works to devise, or cause a plan of such sewerage or drainage to be devised, for the whole city, or for such part thereof as they shall determine. Plan of drainage.

SEC. 4. Such plan shall, in the discretion of the board, be formed with a view to the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan, when completed, shall be submitted to the council, and when adopted by the council shall be filed in the office of the clerk of the board. Division of city into sewer districts.

SEC. 5. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer, and such lands as in the opinion of the board, subject to the approval of the council, will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more local or branch sewers and such lands as in the opinion of the board, subject to the approval of the council, will be benefited by the construction thereof, may be formed of territory not included in any main sewer district. Special districts and lateral sewers.

SEC. 6. The council may, however, provide for main or trunk sewers without reference to sewer districts, and may direct the board of public works to prepare diagrams, or plats thereof, which, when approved by the common council, shall be recorded in the office of the clerk, in the book of sewer records. Main or trunk sewers.

SEC. 7. The costs and expenses of establishing and making any main or trunk sewers, constructed without reference to sewer districts, shall be paid from the general funds of the city, excepting such portion or portions thereof as the council shall deem to be of benefit to private property, which property shall be described and the benefits thereto determined, assessed and taxed in the same manner as hereinafter provided. Such part as the council shall determine, being not less than one-sixth of the cost and expenses of any main or district sewer, or of the cost of any lateral, branch or local sewer, constructed within a special sewer district, shall be paid from the said general fund, and the remainder of such cost and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer, or according to frontage, as the council shall determine. Assessments according to benefits as aforesaid shall be made without reference to any improvements or buildings upon the lands. How main sewers paid for.

Payment for special or lateral sewers.

Diagram of  
sewer districts.

Publication of  
notice.

Ordinance rela-  
tive to new  
sewers.

Special assess-  
ments.

Council to con-  
struct a district  
sewer when ma-  
jority of tax  
payers request.

Council may  
require private  
drains to be  
constructed.

Connections  
with public  
sewers.

Charge for  
same.

SEC. 8. Before proceeding to the construction of any district sewer, the council shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, lands, lots and subdivisions thereof in the district, and the proposed route and location of the sewer; and the depth, grade and dimensions thereof, and shall procure an estimate of the cost thereof. And they shall give notice, by publication for at least two weeks in one of the newspapers of the city, of the intention to construct such sewer, and where said diagram and plat may be found for examination, and of the time when the board and the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer.

SEC. 9. When the council shall determine to construct any such district sewer, they shall so declare by resolution, designating the district and describing by reference to the plat and diagram thereof, mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general city fund, and what part shall be defrayed by special assessment according to benefits or frontage; and they shall cause such plat and diagrams as adopted to be recorded in the office of the city clerk, in the book of sewer records.

SEC. 10. Special assessments for the construction of sewers shall be made by the board of special assessors in the manner provided in this act for making special assessments.

SEC. 11. When the owners of a majority of the lands liable to taxation in any sewer district or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer in such location, and if the lands including the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.

SEC. 12. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

SEC. 13. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains under such rules and regulations as the council shall prescribe.

SEC. 14. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dol-



lars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise. How collected.

SEC. 15. Such part of the expenses of providing ditches and improving water courses as the council shall determine may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits. Special assessments for ditches, etc.

SEC. 16. The expenses of repairing public sewers, ditches and water courses may be paid from the general funds of the city. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof. Expenses of repairing may be paid from general fund.

SEC. 17. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city. Council may enact ordinances for control of sewers.

## CHAPTER XIX.

### STREETS AND PUBLIC GROUNDS.

SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city, and shall cause the same to be kept in repair, and free from nuisance. Council to have control of all streets, walks, etc.

SEC. 2. But the city shall not be responsible for the care, improvement or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands which had not been actually accepted, worked and used by the public as a street or alley before the incorporation of the city under this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after such incorporation, unless the dedication shall be accepted and confirmed by the council by an ordinance or resolution specially passed for that purpose. Not responsible for streets not considered as public.

SEC. 3. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate or abolish any highway, street or alley in the city, whenever they shall deem the same a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement may be paid by special assessments upon the property adjacent to or benefited by such improvement in the manner in this act provided for levying and collecting special assessments; or in the direction of the council, a portion of such cost and expenses may be paid by special assessments as aforesaid, and the balance from the general fund. Council may alter or abolish streets.

SEC. 4. When the council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or any part thereof, they shall by resolution so declare, and in Expense of improvement.

Council to appoint meeting for objection to improvement.

Notice of meeting.	the same resolution shall appoint a time, not less than four weeks thereafter, when they will meet and hear objections thereto; notice of such meeting, with a copy of said resolution, shall be published for not less than four weeks before the time appointed for such meeting, in one of the newspapers of the city. Objections to such proposed action of the council may be filed with the city clerk in writing, and if any such shall be filed, the street, alley or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect.
In case of objections.	
City clerk to file surveys and descriptions.	SEC. 5. The council may cause all public streets, alleys and public grounds to be surveyed and may determine and establish the boundaries thereof, and cause the surveys and description thereof to be recorded in the office of the city clerk, in a book of street records; and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended or accepted and confirmed by the council, to be recorded in like manner; and such record shall be <i>prima facie</i> evidence of the existence of such streets, alleys or public grounds as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley or public ground, shall also be recorded in said book of street records, and the records shall be <i>prima facie</i> evidence of all the matters therein set forth.
Evidence.	
Council may determine grades of streets, etc. May require improvements.	SEC. 6. The council shall have authority to determine and establish the grades of all streets, avenues, alleys and public grounds within the city, and to require improvements and buildings adjacent to or abutting upon streets, alleys or grounds, to be made and constructed in conformity with such grade; and the council may change or alter the grade of any street, alley or public ground, or of any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the city clerk.
Change of grade.	
Records of.	
Owner of lands not subject to special assessment after certain improvements made.	SEC. 7. Whenever any street, alley or public highway shall have been graded or pavement shall have been constructed in conformity to grades established by authority of the city, and the expense thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley or public highway, unless such change be asked for by a majority of the owners of such lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by the city.
Exception.	
Amount of damage, collection of.	SEC. 8. If any damage shall result to any owner by a change of the established grade of any street, alley or sidewalk, the council may, in their discretion, levy and collect the amount thereof by special assessment upon the lots benefited thereby, and therewith pay the same, but the city shall incur no liability by reason of anything in this section contained.

## PAVING AND IMPROVEMENTS.

SEC. 9. The council shall have power to grade, pave, plank, gravel, curb and otherwise improve and repair the highways, streets, avenues, lanes and alleys of the city; and for that purpose, and for defraying the expenses thereof, may divide the city into street districts. The term "paving" shall be deemed to include the construction of crosswalks, gutters and curbing.

Council may grade, etc., any street.

SEC. 10. Such part of the expenses of improving any street, lane or alley, by grading, paving, planking, graveling, curbing or otherwise, and of repairing the same as the council shall determine, may be paid from the general fund; or the whole, or such part of the expense of such improvement as the council shall determine, may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon that part of the street or alley so improved or proposed so to be; or constituted of lands fronting upon such improvements, and such other lands as in the opinion of the council may be benefited by the improvement.

Expenses of, how paid.

SEC. 11. When expenses for any such improvement or repairs shall be assessed in a special assessment district, and there shall be lands belonging to the city, school buildings, or other public buildings, or public grounds not taxable, fronting upon such improvement, such part of the expense of such improvement as in the opinion of the council or board of assessors making a special assessment would be justly apportionable to such public grounds, buildings and city property, and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general fund, and the balance of such expenses shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement; or if the special assessment district shall include other lands not fronting upon the improvement, then upon all the lands included in such special assessment district, in proportion to the estimated benefits resulting thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot, an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessments upon other lots, the council or board of assessors making the assessment may assess such lot for such number of feet frontage as in their opinion will be just.

When city or other non-taxable property is in special district.

Proportionate assessments.

## STREET REGULATIONS.

SEC. 12. The council shall have the power to prohibit and prevent obstructions and incumbrances in, and encroachments upon, the public highways, streets and alleys of the city, and to remove the same, and to punish those who obstruct, incumber, encroach or maintain any encroachments, upon or

Prevention of obstructions in streets, etc.

in any such highway, street or alley; and to require all such persons to remove every such obstruction, incumbrance and encroachment.

Shade trees.

SEC. 13. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets and avenues of the city, and for the protection thereof; and may light the streets and public places, and regulate the setting of lamps and lamp posts therein, and protect the same.

Lights.

Laying of sewers, etc.

SEC. 14. The council may regulate the making of all openings in, and removals of, the soil of public streets, and for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose, and may prohibit and prevent all such openings and removals of the soil, except by express permission of the council, and at such times and upon such terms and regulations as they may prescribe.

Use of highways.

SEC. 15. The council may regulate the use of the public highways, streets, avenues and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or designate the places where loads of wood, coal, hay and other arti-

Stands for vehicles for hire.

Traffic in streets.

Signs.

cles may stand for sale, to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use or placing of signs, advertisements and banners, awning posts and telegraph, telephone or light poles and wires, in or over the streets; to prohibit immoderate riding and driving in the streets or over bridges, to regulate or prohibit all such sports, amusements, proceedings and gathering of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of beasts and fowls in the streets or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same; to cleanse and purify the streets; and to prohibit, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same and to punish them;

Sports, etc.

Animals at large.

Nuisances.

Police regulations.

and generally to prescribe and enforce all such police regulations over and in respect to the public streets, as may be necessary to secure good order and safety to persons and property in the lawful use thereof; and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city as are conferred by law upon highway commissioners in townships.

Duty of owners of mills, factories, etc.

SEC. 16. It shall be the duty of all owners, occupiers or possessors of mills or factories of any kind, within the city, using water as a motive power, where any race or races appertaining to the same may cross a public street, alley or highway, to keep a sufficient bridge or bridges, not less than sixteen feet in width, with a substantial railing on each side thereof, over such race or races, except where said mills or factories were erected and the race or races dug previous to the formation of such street, alley or highway.

- c. 17. In all cases where the owner or owners, occupiers In case of refusal or neglect. assessors of any such mill or factory shall refuse or neglect to make such bridge or bridges or shall refuse or neglect to keep the same in good repair, after having been notified by the street commissioner so to do, the street commissioner, subject to the order and direction of the council, may proceed with to erect or repair such bridge or bridges, at the expense of the person or persons whose duty it was to have erected or repaired such bridge or bridges.
- c. 18. The expense so incurred by the street commissioner in erecting and repairing any such bridge or bridges shall be a legal charge against the owner or owners, occupiers or possessors of any such mill or factory, and may be recovered by the city in an action of assumpsit against such person or persons, or any one or more of them, in any court of competent jurisdiction. Expense of erecting or repairing bridges.
- c. 19. Whenever an action of assumpsit shall be brought under the provisions of this act, for the recovery of expenses incurred in erecting or repairing any such bridge or bridges, it shall be sufficient, without setting forth the special matter, to declare on the common counts, for materials furnished, and money paid, laid out and expended. Action of assumpsit.

## CHAPTER XX.

## SIDEWALKS.

- SECTION 1. The city council shall have control of all sidewalks and crosswalks in the public streets and alleys of said city and may prescribe the grade thereof and change the same when deemed necessary. They shall have power and authority to construct, reconstruct, maintain and repair sidewalks in all public streets and alleys of said city, and to cause the use thereof to be levied as a special assessment upon the land and premises adjacent to and abutting upon such sidewalk, according to frontage thereon. Council to have control of.
- SECTION 2. The council shall also have power, either by ordinance or resolution, to cause and require the owners, occupants or persons in charge of any lot or premises, or any of said lots, to remove all snow and ice from the sidewalk in front adjacent to such lot or premises, and to keep the same free from obstructions, encroachments, incumbrances, filth and nuisances. Snow and other obstructions.
- SECTION 3. The council shall also have power and authority to require the owner, occupants or persons in charge of any lot or premises to construct, reconstruct, maintain and repair sidewalks in the public streets and alleys, and adjacent to and abutting upon such lot or premises; and to construct and lay out the same upon such lines and grades, and of such width, thickness, materials and manner of construction, and within such time as the council may by ordinance prescribe; and the council May require owner of premises to construct sidewalks in public streets adjacent to premises.

Material.

oil may provide by ordinance that no board, plank or other wood or part wood walk shall be constructed or reconstructed within the limits of said city, except on bridges; but all walks hereafter built, except on bridges, shall be of stone, Portland cement, coal tar or bricks; and no person shall hereafter construct or reconstruct any walk within the city, except by order of the council, without first having obtained a permit from the council for that purpose.

When council may remove obstructions.

SEC. 4. If the owner or occupant of any lot or premises, or any person in charge thereof, shall fail or neglect to construct, reconstruct, maintain or repair any particular sidewalk as mentioned in the preceding section, or shall fail to remove the snow, ice and filth therefrom, or to remove from the same and to keep the same free from obstructions, encroachments, incumbrances or other nuisances, or shall fail or neglect to perform any other duty required by the council, in respect to such sidewalks, and within such time and in such manner as the council shall require, the council may cause the same to be done and may cause such sidewalk to be constructed, reconstructed, maintained or repaired at the expense of such owner, occupant or person in charge; and the council may cause the amount of all the expense incurred thereby, together with a penalty of ten per cent in addition thereto, to be reported to the board of special assessors, and the same shall be levied by them as a special tax or assessment upon the lot or premises adjacent to or abutting upon such sidewalk, which special assessment shall be subject to review, after proper notice is given, as in all other cases of special assessments provided for by this act, and such tax, when confirmed, shall be a lien upon such lot or premises, and the council shall order the supervisor of the ward in which such lot or premises are situate, to spread such amounts, together with such penalty, upon his roll as a special assessment upon such lot or premises, and the same shall be collected in the same manner as other city taxes, and shall be and remain a lien upon such lot or premises until paid. Or the city may collect such amount, together with the penalty aforesaid and costs of suit in any court of competent jurisdiction, in an action of assumpsit against such owner, occupant or person in charge of such lot or premises; and in all such actions, it shall be sufficient as a declaration, to declare on the common counts in assumpsit, for labor and materials so furnished, and money paid, and a statement of the labor and materials furnished and the money so expended, by the officer under whose supervision such work was done, shall be *prima facie* evidence of the right of the city to recover.

Collection of cost thereof.

When owner liable for costs and damages.

SEC. 5. It is hereby made the several duty of every owner, occupant and person in charge of any lot or premises, to construct, reconstruct, maintain and repair all sidewalks adjacent to and abutting upon said lot or premises, whenever notified by the council so to do: and any owner, occupant or person in charge of any such lot or premises, who shall neglect to construct, reconstruct, maintain or repair any such sidewalk in accordance with the requirements of this act and such ordi-

nances as shall be passed by virtue hereof shall be liable to the city for the amount of all damages and costs that may be recovered against it for any accident or injury to person or property because of any defect in such walk; and shall also be liable to prosecution before any court of competent jurisdiction and on conviction may be fined not to exceed one hundred dollars and costs or may be imprisoned in the county jail of St. Joseph county or in the city prison not exceeding ninety days.

SEC. 6. The council shall have power to provide by ordinance that any owner, occupant or person in charge of any lot or premises, who shall neglect or fail for a longer time than a certain number of days to be specified in such ordinance, to construct, reconstruct, maintain or repair any sidewalk adjacent to and abutting upon such lot or premises, after having been notified so to do, shall, for each and every day he so neglects or fails, be liable to a fine of not less than one dollar, nor more than five dollars, and costs, and in default of the payment thereof, may be imprisoned in the county jail or city prison, until such fine shall be paid, but not exceeding thirty days. Penalty.

SEC. 7. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts and of other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures and excavations under the same; and to prohibit and prevent obstructions, incumbrances or other nuisances upon the sidewalks. Signs, awnings, etc.

SEC. 8. The council shall have power to pass all such ordinances as may be necessary to enforce the provisions of this chapter. Ordinances.

SEC. 9. All notices required by the provisions of this chapter shall be for a period of not less than twenty-four hours; and notices to construct, reconstruct, maintain or repair sidewalks may for the purpose of levying the expense of constructing, reconstructing, maintaining or repairing the same as a special assessment according to the terms of this chapter, be given by publication in some weekly newspaper published in said city, by at least two insertions of said notice in such paper; or in case there shall be a daily newspaper published in said city, by publishing said notice in said daily newspaper for at least five successive issues of such paper: *Provided,* That no notice shall be required to any person to remove snow, ice, and filth from any sidewalk or to remove from the same any obstruction or to keep any sidewalk free from obstructions, encroachments, incumbrances or other nuisances; but the ordinances of the city, passed by virtue of section two of this chapter, shall be sufficient notice of the requirements therein contained. Notices.  
Publication of,  
Proviso.

## CHAPTER XXI.

## COST OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

What improve-  
ments to be paid  
for out of gen-  
eral fund.

Special assess-  
ments.

Board of special  
assessors, num-  
ber constituting.

Compensation.

If member of  
board interested  
in assessment.

Council to de-  
clare by resolu-  
tion intention  
to make im-  
provements.

Estimates to be  
made.

Diagrams.

Notice.  
Publication.

SECTION 1. The cost and expense of the following improve-  
ments, including necessary lands therefor, viz.: For city hall  
and other public buildings and offices for the use of the city  
officers, engine houses and structures for the fire department,  
for water works, for lighting purposes, hospitals, quarantine  
grounds or pest houses, market houses and spaces, cemeteries  
and parks, watch houses, city prisons and workhouses, shall  
be paid from the proper general funds of the city. When by  
the provisions of this act the cost and expenses of any local or  
public improvement may be defrayed in whole or in part by  
special assessment upon lands abutting upon and adjacent to  
or otherwise benefited by the improvement, such assessments  
may be made as in this chapter provided.

SEC. 2. There shall be a board of special assessors, consist-  
ing of three members, who shall be freeholders and electors in  
the city, to be appointed by the mayor by and with the con-  
sent of the council. Their compensation shall be prescribed  
by the council. Special assessments authorized by this act  
shall be made by such board. If a member of the board shall  
be interested in any special assessment directed by the coun-  
cil, they shall appoint some other person to act in his stead in  
making the assessment, who for the purposes of that assess-  
ment shall be a member of the board.

SEC. 3. When the council shall determine to make any  
public improvement or repairs, and defray the whole or any  
part of the cost and expenses thereof by special assessment,  
they shall so declare by resolution, stating the improvement,  
and what part or proportion of the expenses thereof shall be  
paid by special assessment, and what part, if any, has been  
appropriated from the general funds of the city, and shall  
designate the district or lands and premises upon which the  
special assessment shall be levied.

SEC. 4. Before ordering any public improvements or repairs,  
any part of the expenses of which is to be defrayed by special  
assessment, the council shall cause estimates of the expense  
thereof to be made, and also plats and diagrams, when practi-  
cable, of the work and of the locality to be improved, and  
deposit the same with the city clerk for public examination;  
and they shall give notice thereof and of the proposed improve-  
ment or work, and of the district to be assessed, by publica-  
tion for two weeks at least in one of the newspapers of the city  
and of the time when the council will meet and consider any  
objections thereto. Unless a majority of the persons to be  
assessed shall petition therefor, no such improvement or work  
shall be ordered, except by the concurrence of two-thirds of  
the aldermen elect.



SEC. 5. The cost and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments and costs of construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed twenty-five per cent of the value of such lot or land, as valued and assessed for State and county taxation in the last preceding ward tax roll; any cost exceeding that per cent which would otherwise be chargeable on such lot or premises shall be paid from the general funds of the city.

Cost and expenses of any improvement which may be defrayed by special assessment, what to include.  
Per cent of amount to be levied on any one lot.

SEC. 6. Special assessments to defray the estimated cost of any improvement shall be levied before the making of the improvement.

Special assessments to be made before making improvement.  
Board of assessors to make all *pro rata* assessments.

SEC. 7. When any special assessment is to be made *pro rata* upon the lots and premises in any special district, according to frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors; and shall state therein the amount to be assessed, and whether according to frontage or benefits; and shall describe or designate the lots and premises, or locality, constituting the district to be assessed.

SEC. 8. Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessment thereon; and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act, applicable to the assessment, and if the several descriptions thus to be assessed in any special assessment district shall extend into more than one ward of the city, the board of assessors shall enter the several descriptions situated in any one ward by themselves, separate from those of the others. In all cases where the ownership of any description is unknown to the board of assessors, they shall, in lieu of the name of the owner, insert the name "Unknown;" and if by mistake or otherwise, any person shall be improperly designated as the owner of any lot, parcel of land or premises, or if the same shall be assessed without the name of the owner, or in the name of a person other than the owner, such assessment shall not, for any such cause, be vitiated, but shall, in all respects, be as valid upon and against such lot, parcel of land or premises as though assessed in the name of the proper owner, and, when the assessment roll shall have been confirmed, be a lien on such lot, parcel of land or premises, and collected as in other cases.

Board to make assessment roll.

SEC. 9. If the assessment is required to be according to frontage, the board of assessors shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equi-

When assessment is required according to frontage.

When according to benefits. table. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement.

Report to council. When the board shall have completed the assessment they shall report the same to the council; such report to be signed by at least two of the assessors, may be in the form of a certificate, indorsed on the assessment roll, as follows:

STATE OF MICHIGAN, }  
CITY OF THREE RIVERS. } ss.

To the Council of the City of -----:

Form of certificate. We hereby certify and report, that the forgoing is the special assessment roll, and the assessment made by us pursuant to a resolution of the council of said city, adopted (give date), for the purpose of paying that part of the cost which the council decided should be paid and borne by special assessment for the (here insert the object of the assessment); that in making such assessment we have, as near as may be, and according to our best judgment conformed in all things to the directions contained in the resolution of the council hereinbefore referred to, and the charter of the city relating to such assessments.

Dated.....

.....  
.....  
.....

Board of Assessors.

Expense incurred upon single lot. SEC. 10. When any expense shall be incurred by the city or in respect to any separate or single lot, parcel of land or premises, including the building or repairing of sidewalks, and any other work that may be done or expense incurred in reference to sidewalks, under the provision of this act, which, by the provisions of this act, the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land in a special assessment district, an account of the services for which such expense was incurred, verified by the officer or person performing the labor or services, or causing the same to be done, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person, if known, chargeable therewith, shall be reported to the common council in such manner as they shall prescribe. And the provisions of the preceding sections of this title with reference to special assessments generally and the proceedings necessary to be had before making the improvement, shall not apply to assessments to cover the expenses incurred, in respect to that class of improvements contemplated in this section.

Portion to be charged to lot, SEC. 11. The council shall determine what amount or part of every such expense shall be charged, and the person, if

known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots and premises, and the persons chargeable therewith respectively, to be reported by the city clerk to the board of assessors for assessment.

SEC. 12. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy as a special assessment therein, upon each lot or parcel of land so reported to them, and against the persons chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the council; and all the several assessments in each supervisor district shall be kept separate, the same as is required in section eight of this chapter.

Board of assessors to make special assessment.

SEC. 13. When any special assessment shall be reported by the board of assessors to the council, as in this chapter directed, the same shall be filed in the office of the city clerk, and numbered consecutively. Before adopting such assessment, the council shall cause notice to be published two weeks at least in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the council and board of assessors will meet to review said assessment. Any person objecting to the assessment may file his objections thereto in writing with the city clerk. The notice provided for in this section may be addressed to the persons whose names appear upon the special assessment roll, and to all others interested therein, and may be in the following form:

To be filed with city clerk.

Publication of notice.

Objections to be filed with city clerk.

#### NOTICE OF SPECIAL ASSESSMENT.

To (insert the names of the persons against whom the assessment appears), and to all other persons interested, take notice: That the roll of the special assessment heretofore made by the board of assessors for the purpose of defraying that part of the cost which the council decided should be paid and borne by special assessment for the (insert the object of the assessment and the locality of the proposed improvement in general terms) is now on file in my office for public inspection. Notice is also hereby given, that the council and board of assessors of the city of ..... will meet at the council room in said city on (insert the date fixed upon) to review said assessment, at which time and place opportunity will be given all persons interested to be heard.

Form of notice of special assessment.

Dated .....

*City Clerk.*

SEC. 14. At the time and place appointed for that purpose, as aforesaid, the council and board of assessors shall meet, and

Council and board of assessors to meet.

	there, or at some adjourned meeting, review the assessment; and shall hear any objections to said assessment which may be made by any person deeming himself aggrieved thereby, and the council may correct said roll as to any assessment, or description of premises, appearing therein, and may confirm it as reported, or as corrected; or they may refer the assessment back to the board for revision; or annul it and direct a new assessment; in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the city clerk shall make an endorsement upon the roll showing the date of confirmation.
Certificate of confirmation.	
Special assessment confirmed to be final.	SEC. 15. When any special assessment shall be confirmed by the council, it shall be final and conclusive.
To constitute a lien.	SEC. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be charged against the person to whom assessed until paid.
May be divided into installments.	SEC. 17. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year, at such times as the council shall determine, with an annual interest at a rate not exceeding six per cent.
When payable.	SEC. 18. All special assessments, except such installments thereof as the council shall make payable at a future time, as provided in the preceding section, shall be due and payable upon confirmation.
Assessment roll for each installment.	SEC. 19. If any special assessments shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the person assessed.
Notice not required.	
Division of land after assessment is declared.	SEC. 20. Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or lands shall be according to such division.
Additional pro rata assessment.	SEC. 21. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitations prescribed for such assessments, make an additional <i>pro rata</i> assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.
Surplus.	
In case of irregular proceedings, etc.	SEC. 22. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the

council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof, levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises, and the reassessment shall to that extent be deemed satisfied.

New assessment.  
Proceedings on  
reassessment,  
how conducted.

SEC. 23. No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceeding, might have been lawfully assessed thereon.

Act of council  
vacating a special  
assessment  
shall not impair  
the lien of the  
city.

SEC. 24. Whenever any special assessment shall be confirmed and be payable, the council may direct the city clerk to report to the supervisor of each ward in which any of the lots and premises assessed in the special assessment roll are located, a description of such lots and premises as contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and requiring said supervisor to levy the several sums so assessed, as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report the supervisor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax, in the ward tax roll thereafter to be made, in a column for special assessments, and thereupon the amounts so levied in said ward tax roll shall be collected and enforced with the other taxes in the ward tax roll, and in the same manner; and shall continue to be a lien upon the premises assessed, until paid, and when collected shall be paid into the city treasury.

City clerk to  
report to super-  
visors amount of  
assessment, etc.

Duty of super-  
visor upon re-  
ceipt of report.

SEC. 25. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council, instead of requiring the assessments to be reported to the supervisor of the ward, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon, the city clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person; and return said roll and warrant, together with his doings thereon, in sixty days of the date of such warrant.

Manner of col-  
lecting special  
assessment.

Treasurer to collect assessments.

SEC. 26. Upon receiving said assessment roll and warrant, the city treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the treasurer shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days notice of the time and place of such sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Treasurer to make return of assessment roll and warrant to city clerk.

SEC. 27. The treasurer shall make return of said assessment roll and warrant to the city clerk according to the requirements of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

To certify number of delinquents.

Warrant may be renewed.

SEC. 28. Said warrant may be renewed from time to time by the city clerk, if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the city treasurer shall perform the same duties and make the like returns, as above provided. In case any assessment shall be finally returned by the city treasurer unpaid, as aforesaid, the same may be certified to the supervisor of the proper ward in the manner provided in section twenty-four of this chapter, and shall then be reassessed with interest included at the rate of ten per cent from the date of the confirmation of the assessment until the first day of February then next, in the next ward tax roll, and be collected and paid in all respects as provided in section twenty-four aforesaid.

Assessments returned unpaid may be certified to supervisor.

May be collected by suit.

SEC. 29. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed, in an action of *assumpsit*, in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

Irregularity of assessment not to invalidate claim.

SEC. 30. If in any such action it shall appear that by reason of any irregularities or informality, the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant, or the lot or

premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises, and such judgment shall be a lien upon the said lot or premises against which the assessment was made until paid, and may be enforced by levy and sale on execution of the said lot or premises and such other property of the defendant in said execution as may be sufficient to satisfy said judgment and costs.

## CHAPTER XXII.

### WATER WORKS.

SECTION 1. The city shall have authority to purchase or construct and maintain water works for the introduction of water into the city and supplying the same and the inhabitants thereof with pure and wholesome water; for the extinguishment of fires; the ordinary and extraordinary uses of the inhabitants thereof and for such other purposes as the council may prescribe; and may extend the same as shall from time to time become necessary.

SEC. 2. The city may acquire, purchase, erect and maintain such reservoirs, canals, aqueducts, sluices, buildings, engines, water wheels, pumps, hydraulic machines, distributing pipes and other apparatus, appurtenances and machinery, and may acquire, purchase, appropriate and own such grounds, real estate, rights and privileges as may be necessary and proper for the securing, construction and maintenance of such water works, or extending the same.

SEC. 3. It shall be lawful for the city, subject to the provisions of chapter twenty-seven of this act, to borrow money to be used exclusively for the purpose of purchasing, constructing and maintaining water works, or adding thereto, as provided in the two preceding sections, and to issue bonds of the city therefor.

SEC. 4. The council may, whenever necessary, raise and expend, in making repairs or alterations, or in extending its water works, such sum as they may see fit, without submitting the question to the electors of the village, but the sum to be raised for such purpose shall be included in and shall not increase the total amount which, by the provisions of section four, chapter twenty-six, of this act, the council is authorized to raise.

SEC. 5. The connecting or supplying pipes, leading from buildings or yards to the distributing pipes, shall be inserted and kept in repair at the expense of the owner or occupant of the building or yard, and shall not be inserted or connected with the main pipe until a permit thereof shall be obtained from the council. All such connecting or supply pipes shall be constructed and connected in the manner prescribed by ordinance.

SEC. 6. The council shall establish a scale of rates to be charged and paid for supply of water, to be called water rates,

Authority to purchase or construct and maintain water works.

May purchase, erect and maintain reservoirs, etc.

May borrow money.

Council may raise and expend in making repairs, etc., such sum as they see fit.

Connecting or supplying pipes shall be inserted and kept in repair at expense of owner or occupant.

Scale of rates.

which rates shall be appropriate to different classes of buildings in the city, with reference to their dimension, value, exposure to fires, ordinary or extraordinary uses for dwellings, stores, shops, hotels, factories, livery stables, barns and all other buildings, establishments and trades, yards, number of families or occupants or consumption of water, as near as may be practicable, and from time to time, either modify, amend, increase or diminish such rates; and the council may prescribe by ordinance when and to whom such water rates shall be paid, and what steps shall be taken to enforce payment thereof, and may provide in case of non-payment, that the supply of water may be shut off or stopped as to any person or persons neglecting or refusing to make such payment.

Ordinances for care, protection, preservation and control of water works.

SEC. 7. The council may enact such ordinances, and adopt such resolutions as may be necessary for the care, protection, preservation and control of the water works, and all the fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter, and the powers herein conferred in respect to the construction, management and control of such water works.

Water works may be extended beyond corporate limits.

SEC. 8. When the council shall deem it for the public interest, such water works may be purchased or extended, or may be constructed and maintained beyond the corporate limits of the city; and in such case the council shall have authority to enforce beyond the corporate limits of the city, within the county or counties in which such city is situated, and over the buildings, machinery and other property belonging to and connected with such water works, in the same manner and to the same extent as if they, or it, were within the city, all such ordinances and police regulations as may be necessary for the care, protection, preservation, management and control thereof.

Right to use the ground or soil under any street, etc.

SEC. 9. For the purpose of operating or constructing and maintaining or extending such water works, the city shall have the right to use the ground or soil under any street, highway or road within the county or counties within which such city is situated, for the purpose of introducing water into and through any and all portions of the city, on condition that it shall cause the surface of such street, highway or road, to be relaid and restored to its usual state, and any damage done thereto to be repaired, and such right shall be continuous for the purpose of repairing and relaying water pipes upon like conditions.

May occupy private property.

SEC. 10. If it shall be necessary, in the judgment of the council, to appropriate private property for the construction and maintenance or for the due operation of water works, the right to occupy and hold the same and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public use.



## CHAPTER XXIII.

## LIGHTING.

SECTION 1. It shall be lawful for the city to acquire by purchase or to construct, operate and maintain, either independently or in connection with the water works of such city, either within or without the city, works for the purpose of supplying such city and the inhabitants thereof, or either, with gas, electric or other lights, at such times and on such terms and conditions as the council shall direct.

May construct and maintain electric or other light.

SEC. 2. Whenever the council shall, by resolution, declare that it is expedient for such city to acquire by purchase, or to construct, as the case may be, works for the purpose of supplying such city and the inhabitants thereof, or either, with gas, electric or other lights, then such council shall have power to take such action as shall be deemed necessary to accomplish such purpose.

When council to have power to take action.

SEC. 3. In case the council shall declare that it is expedient for the city to acquire by purchase or to construct, as the case may be, works for the purpose of supplying the city and the inhabitants thereof, or either, with electric or other lights, then the council shall cause to be made and recorded in their proceedings an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the city at its annual election, or at a special election called for that purpose by the council, as provided in this act, and shall be determined as a majority of the electors who are freeholders, voting at such election and upon such question, by ballot, shall decide: *Provided*, The amount that may be raised for such purpose shall be governed by the provisions of chapter twenty-seven of this act.

Estimate of expense.

To be submitted to electors.

*Provided*.

SEC. 4. The council shall have the power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the city therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value, but shall be sold for the highest premium bid above par: *Provided*, That the total amount expended for the purchase or construction of such lighting works shall not exceed the amount of the estimate of expense thereof, provided for in section three of this chapter.

Power of council to issue bonds, etc.

*Provided*.

SEC. 5. After lighting works have been purchased or constructed as aforesaid in such city, the council may then raise and expend in making repairs or alterations, or in extending such works, such sum as it may deem advisable, without submitting the question to the electors of the village, but the sum to be so raised, in any one year, shall be included in, and shall not increase the total amount which, by the provisions of section four of chapter twenty-six of this act, the council is authorized to raise.

May raise money for making repairs or alterations.

Rates.

SEC. 6. The council shall have the power to fix such just and equitable rates as may be deemed advisable for supplying the inhabitants of such city with lights.

May appropriate private property.

SEC. 7. If it shall be necessary, in the judgment of the council, to appropriate private property for the construction and maintenance, or for the due operation of lighting works, the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public use.

May contract for supplying city or inhabitants with gas, electric or other lights.

SEC. 8. The council may contract from year to year, or for a period of time not exceeding ten years, with any person or persons, or with any duly authorized corporation, for the supplying of such city, or the inhabitants thereof, or both, with gas, electric or other lights, upon such terms and conditions as may be agreed; and may grant to such person, persons or corporation the right to the use of the streets, alleys and public grounds of such city as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supplying of such light upon such terms and conditions as shall be specified in such contract.

Ordinances, etc.

SEC. 9. The council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation and control of the lighting works, and all the fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter, and the powers herein conferred in respect to the erection, purchase, management and control of such works.

## CHAPTER XXIV.

### APPROPRIATION OF PRIVATE PROPERTY.

For what purpose may be taken.

SECTION 1. Private property may be appropriated for public use in the city: For the purpose of opening, widening, altering and extending streets, alleys and avenues; for the construction of bridges; for buildings and structures for the fire department; for public grounds, parks, market places, and for the improvement of water courses for sewers, drains and ditches; for water works and for necessary public buildings, hospitals and pesthouses. But such property shall not be taken therefor without the consent of the owner, unless the necessity for using the same, and the just compensation to be made therefor shall be determined by a jury of twelve freeholders, residing in the city; nor shall any improvement requiring the taking of private property be made, except with the concurrence of two-thirds of all the aldermen elected to office. The council may, however, acquire such property by negotiation and purchase.

Without consent of owner, etc.

SEC. 2. When the council shall deem it necessary to make any public improvement, requiring the taking or using of private property not acquired by purchase, they shall so declare by resolution, describing the nature of the proposed improvement, and the location thereof; and shall, in the same resolution, designate a justice of the peace of the city to whom an application will be made, at a time therein to be stated, for the impaneling of a jury to ascertain the necessity of using said property, and the just compensation to be made therefor, and shall cause to be made and filed in the office of the city clerk a map or plat of the proposed improvement, showing the location and boundaries of each parcel of land sought to be taken and its position in relation to adjoining lands, which plat shall have some appropriate name endorsed thereon by which it may be designated, and the separate parcels of land sought to be taken shall be numbered thereon consecutively.

Proceedings  
for taking pri-  
vate property.

Map or plat of  
proposed im-  
provement to be  
filed in office  
of city clerk.

SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice of the peace, and notice of the time and place of making said application, including a copy of said resolution and mention of the filing of said plat, shall be given by publishing the same for three weeks in one of the newspapers of the city, the first publication of which shall be at least thirty days before the time fixed for the application, and a copy of said notice and resolutions shall be served personally by the city marshal, his deputies, one of the constables of the city, or the sheriff of the county, at least two weeks before the time for said application, upon each owner and person interested in said lands, so far as known, if he be found within the county, and upon the guardian of any minor or incompetent person interested therein, if known and to be found within the city, or elsewhere in the county; and if any such guardian, owner or person interested in the premises, shall not be found within the city or county, a copy of said notice and resolution shall be posted upon the premises to be taken ten days before making the application, and return by the officer of the fact of the service or posting of copies of said notice and resolution, designating the number of the parcels of land as indicated on the plat in connection with each service or posting, which return shall be conclusive as to the matters therein stated, and an affidavit of the publication of said notice and resolution shall be filed with the said justice, before, or at the time of making said application; and after the publication and service or posting of said notice as aforesaid, the owners and all persons interested in any of the lands sought to be taken for said improvement, shall take notice of, and be bound by all the subsequent proceedings without further notice, except as herein otherwise provided; and any irregularities as to description of parcels shall not prejudice the proceedings hereunder.

Certified copy to  
be filed with  
justice, etc.

Publication.

Copy of resolu-  
tion and notice  
to be served  
on each owner.

Affidavit of pub-  
lication to be  
filed with justice  
of the peace.

SEC. 4. At the time appointed therefor in said notice and resolution, or at such other time as the proceedings shall be adjourned to by said justice, he shall, upon the application of the city attorney, cause the city marshal, his deputy, a con-

Manner of draw-  
ing jury.

stable of said city, or sheriff of the county, to make a list of the names of twenty-four disinterested freeholders residing in said city competent to serve as jurors, providing that no person shall be termed interested within the meaning of this section simply by reason of his being a taxpayer in said city. From said list the city attorney shall strike off six names, and the owner or owners and persons interested in said lands shall strike off six names, or, upon their failing to do so, the justice shall strike off such names for him or them; and thereupon the said justice shall issue a *venire*, directed to the city marshal, or sheriff of the county, to summon the twelve persons whose names remain upon said list, to appear before said justice, at a time and place in said *venire* to be named, not less than three nor more than six days from the date thereof, to make jury to inquire of and determine the matters referred to in said resolution; and shall then adjourn the further proceedings in the matter to the return day of the said *venire*. Said *venire* shall be served by the city marshal, his deputies, a constable of the city, or sheriff, as in other cases of *venire*. Said jurors shall be liable for non-attendance, the same as jurors summoned to appear in justice's courts, and may be excused for the same causes as jurors in those courts.

Minors, etc., to  
be represented  
by guardian.

SEC. 5. At the time of making the application to the justice for the impaneling of the jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian appointed under the laws of this State; but in all cases where owners of property in question are known to be infants or incompetents and their names are known, if there should be no guardian, or if no such guardian shall appear to represent such infant, or incompetent person, the justice, before proceeding with the matter shall, without further notice, appoint some disinterested person as guardian *ad litem*, to protect the interests of the person for whom he is so appointed, and the appearance of such guardian *ad litem* shall have the same effect as in a suit at law.

Of talemen.

SEC. 6. If upon the return day of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the justice shall require the marshal or other officer specified to summon immediately a sufficient number of other competent freeholders of the city, until a panel of twelve qualified jurors shall be obtained. Each party, and every person having any interest in any of the lands, shall have the right to challenge any juror for cause, and the justice shall determine as to the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolution, and if taken, to determine and award to each person entitled thereto the just compensation to be allowed for his or her interest in the land so taken.

Jury sworn.

SEC. 7. When the jury shall have been sworn, the city attorney shall deliver to them a copy of said notice and resolution of the council and the map or plat of the proposed improve-

ment, which he may take from the clerk's office for that purpose; and any person claiming an interest in any of the lands sought to be taken, may then file with the justice a statment of his interest in, and a description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

SEC. 8. The jury shall then, or at such other time as the justice shall direct, proceed to examine the premises sought to be acquired, and thereafter on the same day or at such time and place as the hearing shall be adjourned to, testimony may be produced before them under the direction of the court, and arguments made, as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing the testimony the justice shall instruct the jury as to the provisions of this chapter relating to their duties. Jury to examine premises.

SEC. 9. The jury shall consider separately each parcel of land sought to be taken as shown by the plat or map. If they shall find it necessary to take the same or any part thereof for the purpose of said improvement, they shall so decide and shall determine and award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken, they shall estimate the whole damages occasioned thereby and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement; and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or parcel of land, as owners, mortgagees, lessees, or otherwise, they shall apportion to each such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate. Determine the necessity of taking lands. Separate claims.

SEC. 10. The jury shall make a report of their determination and awards in writing. They shall describe therein, by metes and bounds, or by reference to said plat or other apt description, each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the whole amount of damage occasioned by taking the same, the amount deducted therefrom, if any, for special benefits resulting from the improvement to the remainder of the lot or premises from which the part appropriated is taken, and the net amount awarded as damages and compensation therefor; the name of owner and of any persons having separate claims thereon by mortgage, lease or otherwise, to whom said damages are awarded, and the amount awarded to each at the date and the description of any mortgage, lease or lien, by virtue of which such claim is made. When conflicting claims are made to any damage awarded, the jury, without deciding between the claimants, shall report the fact, their names and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the justice within ten days after the impaneling of the jury. Jury to make a report of their determination and awards in writing.

City attorney to assist jury.

SEC. 11. The city attorney shall give such assistance to the jury in making up their reports as they may require. The justice shall enter said report and all the proceedings had in the cause before him in his docket.

Disagreement of jury as to one or more distinct parcels of land not to affect awards.

SEC. 12. A disagreement of the jury as to one or more distinct parcels of land shall not affect the awards and reports in which they have agreed; and, upon any such disagreement, the justice may, upon the motion of the city attorney, empanel a new jury in the same manner as provided for drawing the original jury, and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree; and a new jury may, in like manner be had as often as necessary. If any juror during the course of the proceedings shall be unable to discharge his duties, the justice may appoint another in his place, who shall have the like qualifications, and be sworn and exercise the same duties as the other jurors of the panel.

When juror unable to discharge duties, justice may appoint another.

When justice to enter judgment of confirmation of the determination and awards.

SEC. 13. Upon filing the report and award made by any jury with said justice, a copy thereof may be taken by the city attorney for the use of the council; and at any time thereafter, and within forty days after the impaneling of the jury making the report, the justice, upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and awards shall be at an end, and a new jury and new proceedings may be had as in a case of disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time prescribed in the next section.

To be final and conclusive.

Party may appeal from judgment.

SEC. 14. Any party aggrieved by the judgment of confirmation mentioned in the preceding section may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county by filing with the justice a claim of appeal in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond to the city in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal.

Bill of exceptions.

SEC. 15. At the time of filing said claim of appeal, the appellant shall present to the justice a statement, in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof, and of the claim of appeal, upon the city attorney,

who may propose amendments to said bill. Within ten days after said bill is presented, said justice shall, if necessary, cause the same to be corrected according to the facts of the case, and sign the same; and within ten days thereafter said justice shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal and said bill of exceptions, and file the same with the clerk of the circuit court.

SEC. 16. Upon filing the return of the justice, as mentioned in the preceding section, the circuit court shall have jurisdiction of the case; and upon the hearing thereof shall first consider the errors alleged in said claim of appeal, and if the proceedings are found invalid as to the party appealing on account thereof, the court shall remand the case, so far as affects the appellant, to said justice, and a new jury may be called and the like proceeding had, as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term, upon the question as to the amount of damages to be awarded; but the finding of the jury before the justice, as to the necessity of taking the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal.

When circuit court to have jurisdiction.

SEC. 17. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and right of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least ten dollars more than the amount awarded to him before the justice, he shall pay costs to the city, otherwise the court shall award such costs to him as shall be just.

Circuit court to confirm proceedings.

SEC. 18. Certified copies of any judgment of confirmation of the circuit court, or of the justice of the peace, after the same has become final, and of the report of the jury thereby confirmed, and records of such copies made in the book of street records in the office of the city clerk, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired and to confirm the same.

Certified copies of judgment to be presumptive evidence.

SEC. 19. Within six months after the judgment of confirmation by the circuit court, or after the judgment of confirmation by the justice shall become final, the council may pay or tender to the respective persons the several amounts of damage and compensation awarded to them as finally confirmed; and in case any such person shall refuse the same, be unknown or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or

Payment of damages or compensation.

In case person shall refuse to accept amount of damages.

the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case, with a statement of the facts relating thereto, in the treasury of the city, to the credit of the person or persons entitled thereto, and the same shall be paid on demand to any person entitled to receive it. No delay in making any award of damages, or in taking possession of any property, shall be occasioned by any doubt as to the ownership of the property, or as to the interest of the respective parties making claims thereto.

Possession,  
lands.

SEC. 20. Upon the payment, tender or deposit, mentioned in the preceding section, the fee of the land sought to be taken, or the use thereof, as the case may be, with the appurtenances and the right to occupy the property sought to be used, shall vest in the city, and the council may convert and use the same. A certificate of the treasurer of such payment, tender or deposit, or a record of such certificate in the book of street records, or a certified copy thereof, shall be presumptive evidence of the matters therein stated, and of the ownership of the city in the lands and property taken.

When covenants  
and stipulations  
to end.

SEC. 21. In all cases where any real estate, subject to a lease or agreement, shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation in the circuit court, or upon the confirmation by the justice when the same shall become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

## CHAPTER XXV.

### FIRE DEPARTMENT.

Council to enact  
ordinances re-  
lating to fires.

SECTION 1. The council shall have power to enact such ordinances, and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the city against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen, to make and establish rules and regulations for the government of the department, the employes, firemen and officers thereof, and for the care and management of the engines, apparatus, property and buildings pertaining to the department and prescribe the powers and duties of such employes, firemen and officers.

May purchase  
engines, etc.

SEC. 2. The council may purchase and provide suitable fire engines, and such other apparatus, instruments and means for the use of the department as may be deemed necessary for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds, and other suitable places in the city; and make all necessary provisions for a convenient supply of water for the use of the department.



SEC. 3. The council may also provide, or erect, all necessary and suitable buildings for keeping the engines, carriages, teams and fire apparatus of the department. Provide buildings.

SEC. 4. The engineer of the fire department shall be the chief of the department, and, subject to the direction of the mayor, shall have the supervision and direction of the department, and the care and management of the fire engines, apparatus and property, subject to such rules and regulations as the council shall prescribe. And the council may appoint such assistant engineers and other officers of the department as may be necessary. Engineer to be chief.

SEC. 5. The chief of the fire department, or other officer acting as such, may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order of any such officer, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for a period not exceeding ninety days, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment in the discretion of the court. When and how assistance may be commanded at fires. Misdemeanor. Penalty.

SEC. 6. The council may provide, by ordinance, for the appointment of, and may appoint, such number of fire wardens as may be deemed necessary; and for the examination by them, from time to time, of the stoves, furnaces and heating apparatus and devices in all the dwellings, buildings and structures within the city; and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition. Fire wardens.

SEC. 7. The council may prescribe by ordinance from time to time, limits or districts within the city, within which wooden buildings and structures shall not be erected, placed or enlarged; and to direct the manner of constructing buildings within such districts, with respect to protection against fire and the material of which the outer walls and roofs shall be constructed. Fire limits.

SEC. 8. The council may also prohibit within such places or districts as they shall deem expedient, the location of shops; the prosecution of any trade or business; the keeping of lumber yards; and the storing of lumber, wood or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils and other combustible and explosive substances, and the use of lights in buildings; and, generally, may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires. Council may prohibit hazardous buildings, etc.

SEC. 9. Every building or structure which may be erected, placed, enlarged or kept, in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council. What declared a nuisance.

Compensation of members.

SEC. 10. The officers, firemen and employes of the department shall receive such compensation as the council may prescribe; and during their term of service shall be exempt from serving on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person or property in consequence of the performance of his duty at any fire.

Buildings may be pulled down.

SEC. 11. The engineer in charge of the department at any fire, with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire, and no action shall be maintained against any person or against the city therefor; but if any person having any interest in the building shall apply to the council within three months after the fire, for damages or compensation, for such building, the council may, in their discretion, pay him such compensation as may be just. They may ascertain such damage by agreement with the owner, or by the appraisal of a jury, to be selected in the same manner as in case of juries to appraise damages for taking private property for public use; and the council may cause the amount of any damages determined upon to be defrayed by a special assessment upon the property which in their opinion was protected or benefited by the destruction of such building; but no damages shall be paid for the amount of any loss which would probably have occurred to such if it had not been pulled down or destroyed.

Damages.

## CHAPTER XXVI.

### FINANCE AND TAXATION.

Fiscal year.

SECTION 1. The fiscal year of the city shall commence on the first Monday in January in each year.

Power to levy taxes.

SEC. 2. The council shall have authority, within the limitations herein prescribed, to raise annually by taxation, upon the taxable real and personal property within the corporate limits of the city, such sums of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers in this act granted.

Funds.

SEC. 3. All revenues raised by general tax upon the property in the city, or by loan to be repaid by such tax, shall constitute the general city funds. All money raised by special assessments shall constitute a special assessment fund, and the city council shall have power to provide by ordinance for the division of the general city funds into such other funds as they shall from time to time determine.

Amount of general tax.

SEC. 4. The aggregate amount which the council may raise by general tax upon the taxable real and personal property within the city, for the purpose of defraying the general expenses and liabilities of the corporation, exclusive of taxes for schools and schoolhouse and library purposes, shall not exceed, in any one year, one and one-fourth per cent of the

assessed valuation of such real and personal property for such year.

SEC. 5. An assessment of not more than two dollars may be levied upon each lot or premises drained by private sewer or drain leading into any public drain or sewer. Tax for private drain.

SEC. 6. It shall be the duty of the council to cause estimates to be made in the month of September in each year, of all the expenditures which will be required to be made from the general funds of the city during the next fiscal year; for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built and for the paving of streets, the connection of sewers, making improvements and for the support of the police and fire departments, and for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from the general funds during such fiscal year. Estimates of expenditures.

SEC. 7. The council shall also, in the same month, determine the amount or part of any special assessments which they require to be levied or reassessed in the next general tax rolls of the city, upon lands in any main sewer or special assessment district, or upon any piece of land or against any particular person, as special assessment. Estimate of special assessments.

SEC. 8. The council shall also, in the month of September in each year, determine by resolution, the aggregate amount estimated as aforesaid to be raised by general tax to defray the expenditures and liabilities of the corporation for the next fiscal year as provided in section six of this chapter; and order the same to be raised by tax with the next general tax levy. The council shall also designate in such resolution the amounts or any part of any special assessment in which they require to be levied with the next general tax as provided in section twenty-four of chapter twenty-one of this act, together with the description of the lot, premises or property upon which such special assessment is required to be made, and also therein direct the city clerk to certify such special assessment to the supervisor of the respective wards of the city in which such property may be for assessment and levy. Council to determine by resolution amount of assessments.

SEC. 9. The sum so ordered in any year, to be raised by general tax, and all amounts reported to the city clerk by the school board of school district number one of the city of Three Rivers and township of Lockport, to be raised for schools and schoolhouse purposes, and the amount reported to the city clerk to be raised for library purposes, under the provisions of this act shall be certified to the clerk of the board of supervisors of St. Joseph county, by the city clerk on or before the first Monday of October in each year. All sums ordered by the council to be levied or reassessed as special assessment, for any purpose, shall be certified by the city clerk at the same time to the supervisors of the respective wards, as provided in chapter twenty-one of this act; and all such sums shall be levied and collected with the State and county taxes next thereafter levied in the city. Estimates for school purposes.

Further sum not to be raised.

SEC. 10. After the council shall have determined, as provided in section eight of this chapter, the amount of money to be raised by general tax, no further sum shall be raised, used or appropriated, nor shall any further liability be incurred for any purpose, to be paid from the general city funds, during the fiscal year for which the appropriation was made.

Improvement not to exceed appropriation.

SEC. 11. No improvement, work, repairs or expense, to be paid for out of the general city fund, shall be ordered, commenced or contracted for, or incurred in any fiscal year, nor shall any expenditure be made, or liability be incurred in such year, for any work, improvement, repairs, or for any purpose, so that the total expenditures or liability of the city for such year shall exceed the sum authorized by the council to be raised by general tax for such year.

No public work shall be commenced until a tax or assessment shall have been levied.

SEC. 12. No public work, improvement or expenditure shall be commenced, or any contract therefor be let or made, except as herein otherwise provided, until a tax or assessment shall have been levied to pay the cost and expense thereof; or the money borrowed therefor as provided in chapter twenty-seven of this act; and no work or improvement shall be paid for, or be contracted to be paid for, except from the proceeds of such loan, or of the tax or assessment thus levied.

Moneys raised for any particular fund not to be applied to other funds.

SEC. 13. All moneys and taxes raised, loaned or appropriated for the purpose of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received, and to none other; nor shall the moneys belonging to one fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund, at the close of any fiscal year.

Money, how drawn.

SEC. 14. No money except school and library money shall be drawn from the treasury, except in pursuance of the authority and appropriation of the council, and upon the warrant of the clerk and mayor.

Council to audit and settle claims.

SEC. 15. Immediately upon the close of the fiscal year the council shall audit and settle the accounts of the city treasurer and other officers of the city, and the accounts also, as far as practicable, of all persons having claims against the city, or accounts with it not previously audited, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, the amounts levied by special assessments and the amount collected on each; and the amount of money borrowed, and upon what time and terms, and for what purpose; also the items and amounts received from all other sources during the year, and the objects thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and with what rate of interest; the amount of salary or compensation paid or payable to each officer of the city for the year, and such other

Statement.

information as shall be necessary to a full understanding of all the financial concerns of the city.

SEC. 16. Said statement, signed by the mayor and clerk, shall be filed in the office of the city clerk, and a copy thereof published in one of the newspapers of the city. To be filed and published.

SEC. 17. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the corporation or any board thereof, to his own use, or shall, directly or indirectly and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property may have been appropriated, raised or received, or to any purpose not authorized by law, he shall be deemed guilty of wilful and corrupt malfeasance in office, and may be prosecuted, tried and convicted therefor, and on conviction, may be punished by fine not exceeding one thousand dollars, or by imprisonment in the State Prison for a period not exceeding three years, or both, in the discretion of the court. Missappropriation of funds. Penalty.

## CHAPTER XXVII.

### BONDED AND OTHER INDEBTEDNESS.

SECTION 1 The city shall have power to borrow money, subject to the provisions of this chapter, for the following purposes: For the purchase or construction of a city hall and other public buildings, engine houses and structures for the fire department, water works and the extension thereof, plant for lighting purposes, hospitals, quarantine grounds or pest-houses, market houses and spaces, parks, city prisons and work houses, bridges and other public improvements which may be deemed necessary by the council and may issue the bonds of the city therefor. May borrow money.

SEC. 2. The council may borrow money for the general purposes of the city and issue the promissory note of the city therefor: *Provided*, The total indebtedness of the city upon promissory note shall at no time exceed the sum of two thousand dollars. Promissory note.

SEC. 3. The total bonded indebtedness of the city for all purposes shall not at any time exceed the limit of twenty-five thousand dollars including the portion unpaid at such time of the bonds heretofore issued by the village of Three Rivers and outstanding at the date of the passage of this act except as provided in the next succeeding section. Total bonded indebtedness not to exceed \$25,000.

SEC. 4. In case the city shall at any time as in this act provided decide to purchase or construct and equip an electric or other lighting plant, the council shall determine by resolution what portion of the amount that the city may at such time borrow under the preceding section they will appropriate towards the expense of said plant; and if the amount the coun- Council to determine what portion of amount the city may borrow for lighting purposes.

When council  
may borrow.

oil shall so decide to appropriate shall not be sufficient to pay the sum authorized to be raised for the purpose of such plant the council may borrow and issue the bonds of the city therefor, such additional sum of money not exceeding twelve thousand dollars as shall be necessary to make up the balance of the sum authorized to be borrowed for the purchase or construction and equipment of such lighting plant.

To be submitted  
to the freehold  
electors of the  
city.

SEC. 5. Before any money shall be borrowed by the city except as provided in section two of this chapter the council shall determine by resolution the purpose for which the loan is to be made, and the amount of money necessary to be raised for such purpose; and the question of raising such sum for such purpose shall be submitted to the freehold electors of the city, at its next annual election, or at a special election called for that purpose by the council, as provided in this act, and shall be determined as a majority of the electors who are freeholders, voting at such election and upon such question, shall decide: *Provided*, That all ballots cast upon such question, shall be kept separate from all other ballots that may be cast at any such election, and shall be deposited in a ballot box provided for their reception; and the clerks of election shall keep a separate list of the persons voting upon such question.

Proviso.

Rate of interest

SEC. 6. The rate of interest on all bonds hereafter issued by the city shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value, but shall be sold to the highest bidder.

Record of bonds.

What bonds to  
contain.

SEC. 7. A record showing the dates, numbers and amounts of all bonds issued, and when due, shall be kept by the city clerk. Every bond issued by the city shall contain on its face a statement specifying the object for which the same is issued, and if issued for the purpose of raising money for any public improvement, shall also be specified on the face of such bonds, and it shall not be lawful for any officer of the city to sign or issue any such bond without such matters are set forth on the face of the same as aforesaid, or to use such bonds or the proceeds from the sale thereof for any other object than that mentioned on the face of said bond: and any officer who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars or by imprisonment in the county jail for a period not exceeding one year, or both such fine and imprisonment at the discretion of the court.

Penalty.

Amount of  
bonds.

SEC. 8. Such bonds shall be signed by the mayor and city clerk, and shall be in sums of not less than one hundred dollars each, and payable not exceeding twenty-five years from the date of their issue: *Provided*, That no larger amount of said bonds than two thousand dollars shall become due and payable in any one year.

Proviso.

Power of council  
to issue new  
bonds.

SEC. 9. Whenever any bonds of the city, whether issued under the provisions of this act or previously issued by the village of Three Rivers, shall fall or be due, and it shall be deemed expedient to extend the time of payment of the same.

or any portion thereof, the council shall have the power, without any vote of the electors of the city, to issue new bonds in place of such former bonds, so due as aforesaid, in such manner as merely to change, but not increase the indebtedness of the city. Such new bonds shall conform in all essential particulars to those previously issued, as near as may be, and shall in no case run longer than twenty years, nor bear a greater rate of interest than is provided in section six of this chapter; and shall be sold at the highest premium bid above par.

## CHAPTER XXVIII.

### ASSESSMENT AND COLLECTION OF TAXES.

SECTION 1. The supervisors of the city shall, in each year, make and complete an assessment of all the real and personal property within their respective wards liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner and in the same time as required by law for the assessment of property in the township of the State, and in so doing they shall conform to the provisions of law governing the action of supervisors of townships performing like services, and in all other respects within their respective wards, they shall, unless otherwise in this act provided, conform to the provisions of law applicable to the action and duties of supervisors in townships, in the assessment of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof.

Assessment and collection of taxes.

SEC. 2. If any person residing in the city a part of the time during the year shall, in the opinion of any supervisor, unjustly or falsely claim exemption from taxation therein on the ground that he or she has a residence, and is taxed or liable to taxation, elsewhere than in said city, the supervisor shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the treasurer, or officer requiring payment of such tax, a receipt duly signed and authenticated by the affidavit of some other collector of taxes, and also by the affidavit of the person charged with the tax, showing that such person has paid a tax upon all of the same property for the same year to such other collector or receiver of taxes.

When a partial resident may be assessed on personal property.

Parties may be released when able to show tax receipts with affidavit showing he has paid the tax.

SEC. 3. All personal property found in any ward may be assessed therein whether the owner thereof resides in such ward or elsewhere. If there shall be any doubt as to the ward in which any person shall be assessed for personal property belonging to such person, the board of review hereinafter mentioned may direct as to the ward in which the assessment shall be made, and any assessment so made shall be conclusive as to

Personal property found in any ward to be assessed therein.

the liability of such person to be assessed in such ward for said property.

Supervisors of the several wards to meet and equalize their valuations.

SEC. 4. For the purpose of assessing all property equally in the whole city, the supervisors of the several wards shall meet and confer together from time to time, while making their assessments, and equalize their valuations in such manner as may be just.

Board of equalization and review.

SEC. 5. The supervisors of the several wards shall constitute a board of equalization and review of the general assessment rolls of the several wards of said city, a majority of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day. They shall meet on the third Monday in May in each year at the council rooms in said city and shall have power, and it shall be their duty, to examine said assessment rolls, and they shall have authority to, and shall correct any errors or deficiencies found therein, either as to the names, valuations or descriptions; and of their own motion, or on cause shown, may reduce or increase the valuation of any property found on said rolls, and at such meeting only, may add thereto the names of persons and any taxable property in said city that may have been omitted, and value the same; and to strike from said rolls any property wrongfully thereon, and generally to perfect said rolls in any respect by said board deemed necessary and proper, for which services such members of said board shall receive two dollars per day while actually employed. If on such examination they shall deem the valuations of the several wards to be relatively unequal, they shall equalize the same by adding to or deducting from the total valuation of the taxable property in any ward such an amount as, in their judgment, will produce relatively an equal and uniform valuation of the real estate in the city; and all taxes for State, county, school, library and general city purposes shall be apportioned according to said equalization, in the manner herein provided; and said equalization shall not be changed with regard to the relative valuation of the several wards of said city, and the board of supervisors of the county in which said city is located shall equalize such city as a unit, the same as a township is equalized, and any amount added to or deducted from the total valuation of such city as a unit shall be apportioned by the clerk of the board of supervisors among the several wards according to the equalized valuation of the real property in each ward as fixed by the city board of review.

Notice to be given of time and place of meeting of board of review.

SEC. 6. The said board shall meet on the fourth Monday in May in each year, at the council rooms in such city, at nine o'clock in the forenoon, of which time and place notice shall be given by the clerk at least two weeks prior to the time of meeting, by publishing a notice thereof in one or more of the newspapers of said city, and also by posting the same in three public places in each ward of said city, at which time and place the several supervisors shall submit to said board their respective general assessment rolls. They shall select one of their number as chairman, and shall continue in session at



least two days successively, and as much longer as it may be necessary to complete the review, and at least six hours in each day during said two days or more; and any person or persons desiring so to do, may examine his, her or their assessment on said rolls, and may show cause, if any exists, why the valuation thereof should be changed; and said board shall decide the same, and their decision shall be final. They may examine on oath any person touching the matter of his or her assessment, and the chairman or any member of said board may administer oaths. They shall keep a record of their proceedings, and all changes made in said rolls, and the amount added to or deducted from the total valuation in each ward shall be entered upon such record, which record shall be deposited with the city clerk, who shall be clerk of said board. The decision of a majority of the members of said board upon all questions shall govern. The rolls as prepared by the several supervisors shall stand as approved and adopted as the act of the board of review, except as changed as herein provided. Said board shall have the same powers and perform the same duties in all respects as boards of review of townships, in reviewing and correcting assessments made by supervisors of townships, except as in this act otherwise provided. After said board of review shall have completed the revision of said rolls, the clerk shall endorse and sign a statement upon each roll, to the effect that the same is the general assessment roll of the ward to which it applies, for the year in which it has been prepared, as approved by the board of review, and shall state the amount added to or deducted from the total valuation in any such ward. Such statement may be in the following form, viz.:

Record of proceedings.

Clerk to endorse and sign a statement upon each roll.

STATE OF MICHIGAN, }  
CITY OF THREE RIVERS. } SS.

Form of statement.

I hereby certify that this is the general assessment roll of the ..... ward of the city of Three Rivers for the year ..... as approved by the board of review; that the board of review and equalization of the city of Three Rivers have reviewed, equalized and corrected the within assessment roll, and have deducted (or added as the case may be), ..... dollars from (or, to, as the case may be,) the valuation of the real estate made by the supervisor, and have determined the aggregate value of such real estate to be ..... dollars, and the total value of the personal estate to be ..... dollars for the year A. D. ....

Dated.....

.....,

*Clerk of the Board of Review.*

Upon the completion of such rolls, and their endorsement in manner aforesaid, they shall be returned to the several supervisors, and shall be conclusively presumed by all courts and tribunals to be valid, and shall not be set aside except for

Rolls to be returned to supervisors.

causes mentioned in the general laws of the State, relating to the assessment of property and the levy and collection of taxes thereon. The omission of such endorsement, however, shall not affect the validity of any such roll.

Certified copy of assessment roll to be delivered to city clerk.

SEC. 7. Within sixty days after the confirmation of such rolls, as above provided, each supervisor shall deliver a certified copy of his assessment roll to the city clerk, to be filed in his office for the use of the council.

City clerk shall certify to county clerk the aggregate amount of all sums required to be raised.

SEC. 8. On or before the first Monday in October in each year, the city clerk shall certify to the county clerk of the county of St Joseph, the aggregate amount of all sums which the council require to be raised for the next fiscal year, for all city purposes, by general taxation upon all the taxable property of the whole city; also, all amounts certified to him by the school board of school district number one of the city of Three Rivers and township of Lockport, to be raised for schools and schoolhouse purposes; and all amounts reported to him by the board of directors of the Three Rivers Free Public Library of the township of Lockport, to be raised for library purposes.

Board of supervisors shall apportion amounts to be raised.

SEC. 9. The board of supervisors of the county of St. Joseph shall apportion the amounts to be raised as mentioned in the preceding section among the wards of the city, according to the equalized valuation of the property appearing upon the certificate of the several assessment rolls of the city for such year, as finally equalized by the board of supervisors, and the clerk of said board shall certify to the supervisor of each ward for assessment therein, the amount so apportioned to his ward; giving the amount apportioned for school, library and schoolhouse purposes in separate sums within five days after the board of supervisors of the county shall have completed the equalization of the valuations of the property in the county for the year. Said clerk of the board shall also certify to the city clerk the amounts apportioned to the several wards of the city as aforesaid.

Clerk of board to certify to city clerk the amount apportioned. City clerk to certify to supervisor of each ward.

SEC. 10. On or before the first day of October in each year the city clerk shall certify to the supervisor of each ward for assessment therein all amounts which the council require to be assessed or reassessed in any main or special sewer district or other special assessment district or upon any parcel of land or against any particular person as a special assessment or otherwise within his district together with a designation of the district or description of the land or person upon whom or within which the several sums are to be assessed or reassessed with such further descriptions and directions as will enable such supervisor to assess the several amounts upon the property and persons chargeable therewith.

Supervisor to levy amounts certified to him by the clerk of board of supervisors.

SEC. 11. Each supervisor at the time of levying State and county taxes in his ward for the year shall levy in the same roll upon all the taxable property in the ward the amounts certified to him by the clerk of the board of supervisors as provided in section nine of this chapter to be raised for city, school, schoolhouse and library purposes, placing the city taxes in one column, and the school, library and schoolhouse

taxes in other separate columns; and he shall also levy in the same roll, upon the lands, property and persons chargeable therewith, all special assessments and sums reported to him by the city clerk, as provided in section ten of this chapter, or in chapter twenty-six of this act, for assessment or reassessment, in main or special sewer districts or for other special assessments, placing all such taxes in a column of special assessments, and shall place the State and county taxes in other columns. The amount of the several taxes so levied upon each valuation shall be carried into another column, and a collection fee of five per cent on the tax entered in another column, and the aggregate of taxes and fees shall be carried into the last column of the roll.

SEC. 12. Each supervisor, upon completing his roll, shall certify to the city clerk the amounts of taxes levied in the roll for State and county purposes, and for city, library and school taxes, special assessments and other purposes, and for collection fees; and the clerk shall charge the said amounts to the city treasurer. The city treasurer shall give bond to the county treasurer in the same manner as township treasurers are required to do; and thereupon, and on or before the first Monday in December, each supervisor shall deliver a certified copy of the tax roll, with the taxes extended therein as aforesaid, to the city treasurer, with his warrant for the collection of the taxes therein, annexed thereto.

Supervisor to certify to city clerk amount of taxes levied.

City treasurer to give bond to county treasurer.

SEC. 13. The warrants annexed to each roll shall state the several amounts levied therein to be paid into the city and county treasuries respectively; and shall command the city treasurer to collect from the several persons named in the said roll the several sums named in the last column thereof opposite their respective names, remitting upon all taxes paid before the tenth day of January next thereafter, the percentage added for collection fees, and to pay over and account for all moneys collected and specified in the roll as in said warrant directed, on or before the first day of March then next ensuing, and the warrant shall authorize the treasurer, in case any person shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

What warrants to state.

SEC. 14. All taxes levied in any ward tax roll shall be and remain a lien upon the lands upon which they are levied until paid.

Taxes levied in any ward tax roll shall be a lien upon the lands.

SEC. 15. Upon receiving the several ward tax rolls as above provided, the city treasurer shall give notice immediately to the taxpayers of the city that such rolls have been delivered to him, and that the taxes therein levied can be paid to him at his office at any time before the tenth day of January then next ensuing, without any charge for collection; but that five per cent collection fees will be charged and collected upon all taxes remaining unpaid on said tenth day of January. Said notice shall be given by publishing the same twice [in one] or more of the newspapers of the city, and by posting copies thereof in three public places in each ward of the city; and it shall be the duty of the treasurer to be at his office at such

Treasurer to give notice to taxpayers.

Notice to be published.

times, previous to the tenth day of January, as the council shall direct, and there receive payment of such taxes as may be offered to him. He shall remit the collection fees upon all taxes paid to him before the said tenth day of January; but in all other cases he shall collect both the tax and the percentage for collection added in the roll. All such percentage for fees collected by him shall be paid into the city treasury to the credit of the general fund.

Taxes remaining unpaid on the tenth of January, how collected.

SEC. 16. For the collection of all taxes remaining unpaid on the tenth day of January, the city treasurer shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships, and shall for that purpose have all the powers and authority conferred by law upon township treasurers for such purposes, and shall, when necessary, enforce the payment of the tax against any person by distress and sale of his goods and chattels, if any such can be found anywhere within the county.

New warrants.

SEC. 17. The county treasurer may issue new warrants to the city treasurer for the collection of all taxes including all city taxes, in the same manner and in the same cases, and with the same effect, as such new warrant may be issued to township treasurers. The city collector may, and it shall be his duty to proceed by suit in the name of the city, for the collection of unpaid taxes in the same cases, and under like circumstances in which township treasurers are authorized to proceed in that manner; and all the provisions of law applicable to suits and evidence therein brought by township treasurers in the name of their township for such purposes, shall apply to suits brought by the city treasurer as aforesaid.

Each ward shall be considered the same as a township.

SEC. 18. For the purpose of assessing and levying taxes in the city, for State, county, school and library purposes, each ward shall be considered the same as a township, and all provisions of law relative to the collection of taxes levied in townships shall apply to the collection of taxes levied and assessed by the supervisor in such city, except as herein otherwise provided. For the purpose of collecting taxes and returning property for non-payment thereof, the city treasurer shall perform the same duties and have the same powers as township treasurers, except as herein otherwise provided.

Duties of city treasurer.

Lands upon which any unpaid tax shall be returned shall be sold for delinquent taxes.

SEC. 19. The city treasurer shall, within one week after the time specified and directed in the warrants annexed to said several tax rolls, pay to the county treasurer the sums required in said warrants to be so paid, either in delinquent taxes or in funds then receivable by law, and all lands upon which any unpaid tax shall be returned, shall be sold therefor the same as lands returned for delinquent taxes by township treasurers.

Provisions of law respecting delinquent taxes in townships shall apply to all taxes levied in any ward of the city.

SEC. 20. All the provisions of law respecting delinquent taxes levied in townships shall apply to all taxes levied in any ward of the city, and be returned as delinquent to the county treasurer; and the ward, in respect to taxes levied therein and returned to the county treasurer as delinquent, shall, except as herein otherwise provided, be considered and treated as a township; and all provisions of law for the sale of lands for the

payment of taxes levied for State, county and township purposes, and returned delinquent, shall apply to the return and sale of property for the non-payment of delinquent taxes levied in any ward of the city, except as herein otherwise provided.

## CHAPTER XXIX.

### SCHOOLS.

SECTION 1. School district number one, of the township of Lockport, as now organized, consisting of the land embraced within the corporate limits of the city of Three Rivers, and such contiguous territory as is now included within said district, shall remain a single school district and shall be known and designated as school district number one, of the township of Lockport and city of Three Rivers, and shall be governed by the general laws of the State relating to fractional school districts in townships and graded schools; and for all school purposes the city of Three Rivers shall be considered and treated as a township, and the clerk thereof, as a township clerk; and all primary school funds and any fines, penalties and surplus dog tax that may belong to said school district, shall be paid to the treasurer of said city. And all moneys belonging to said school district, which shall at any time be in the hands of the treasurer of said city, shall be paid out by him, on orders drawn by the proper school officers.

One school district.

To be governed by the general laws of the State.

## CHAPTER XXX.

### LIBRARY.

SECTION 1. The Three Rivers free public library of the township of Lockport shall remain as now organized and be a free public library for the said township of Lockport and the city of Three Rivers, and all the books, property and effects now belonging thereto, shall be jointly owned by said Lockport township and city of Three Rivers, and it shall be governed by the general laws of the State relating to free public libraries, when not inconsistent herewith. The board of directors of said library shall hereafter be elected as follows: At the general election held under this act on the first Monday in April, in the year one thousand eight hundred and ninety-six, there shall be four directors chosen within the city of Three Rivers, as follows: One for the term of one year, one for the term of two years, one for the term of three years and one for the term of four years. [And] At the general election held in said city on the first Monday in April in every year thereafter, there shall be one director elected for the term of four years. At the general election held in the township of Lockport, on the first Monday in April, one thousand eight hundred and

Free public library.

To be governed by the general laws of the State.

Board of directors, when elected.

Term of office of.

Board of directors to estimate amount of money necessary for support of library.

To be paid out by city treasurer.

When terms of office of directors to expire.

ninety-six, there shall be one director elected for the term of one year and one for the term of two years, and at the annual township election held in each year thereafter, there shall be one director elected for the term of two years: *Provided*, That it shall be optional with said township to elect such directors from the city of Three Rivers. The board of directors of said library shall make its estimate of the money necessary for the support and maintenance of said library for each ensuing year after the passage of this act, for assessment and collection, and report such estimate to the clerk of the city of Three Rivers and the supervisor of the township of Lockport, and such assessment shall be apportioned in the same manner as school taxes in fractional school districts. All money belonging to said library shall be paid out by the city treasurer, on proper orders drawn by the president and secretary of said board. The terms of office of all directors, heretofore elected by the township of Lockport, shall expire on the first Monday in April, one thousand eight hundred and ninety-six, or as soon thereafter as their successors shall be elected under this act and shall have qualified.

## CHAPTER XXXI.

### BOARD OF PUBLIC WORKS.

Board of public works, who to constitute, compensation, etc.

To be non-partisan.

Appointment of, and terms of office.

Organization of board.

Quorum.

Clerk of board.

Duties of.

SECTION 1. There shall be created and constituted in said city a board of public works, composed of three members, who shall be freeholders and electors of said city; and the salary of each shall not exceed twenty-five dollars per year. Such board shall, as near as may be, be non-partisan, no more than two members to be appointed from any one political party; and shall be appointed by the mayor, by and with the consent of the council, and shall be subject to removal by the council, in the manner in this act hereinbefore provided. At the first appointment of the members of said board, which shall be within thirty days after the city officers shall first be elected under the provisions of this act, one member shall be appointed for the term of one year, one member for the term of two years and one member for the term of three years, from the first Monday in May next thereafter; and on the first Monday in May of each year thereafter, one member shall be appointed for the term of three years, unless otherwise provided in this act.

SEC. 2. Said board shall, within ten days after their first appointment, and annually thereafter during the month of May, organize and elect one of their number president. A majority of the board shall constitute a quorum for the transaction of business. The city clerk shall be *ex officio* clerk of said board, but shall have no vote therein. It shall be his duty to perform all the clerical labor required by said board, and he shall have charge of all of its books, records, accounts and papers.

SEC. 3. The said board of public works, subject to the order and direction of the council, is hereby charged and entrusted with the following duties, powers and responsibilities: Powers and duties of board.

*First*, The construction, management, supervision and control of such electric or other lighting plants as are or shall be owned by the city;

*Second*, The construction, management, supervision and control of such water works as are or shall be owned by the city;

*Third*, The management and supervision of the sewers, sewerage and drainage of such city, and of the construction thereof;

*Fourth*, Such other public improvements or work as the council may, by ordinance, place under their management, supervision and control.

SEC. 4. The said board shall have power to make and adopt all such by-laws, rules and regulations as they may deem necessary and expedient for the transaction of their business, not inconsistent with the ordinances of the city, or the provisions of this act. By-laws, etc.

SEC. 5. Whenever the expense of constructing or repairing any public work placed under the control of the board of public works shall not exceed the sum of two hundred dollars, the work shall be done by such board in such manner as they shall deem proper; but whenever such expense shall exceed the sum of two hundred dollars, then the said board shall submit the plans, diagrams, profiles and estimates thereof to the council for their approval, and when so approved the board shall, subject to the approval of the council, cause such work to be done by contract or otherwise, in such manner as they may deem proper: *Provided*, That if the expense shall exceed the sum of five hundred dollars, the board shall advertise for sealed proposals and shall give such notice as the council may direct and shall let the contract to the lowest responsible bidder who shall be deemed competent to do the work, and shall give adequate security for the performance thereof, which contract and security shall be approved by the council. When expense of constructing or repairing any public work shall not exceed \$300. Whenever such expense shall exceed \$300, board to submit plans, estimates, etc., to council.

SEC. 6. All work done under the supervision of said board shall be reported to the council, from time to time, and no money shall be paid out of the treasury on account of any work so done until the council shall have authorized the same and ordered the same paid by warrant drawn on the city treasurer; and all claims or accounts against the city that in any manner relate to the works in charge of such board, or that have been incurred by such board, shall first be submitted to and approved by said board of public works, before the council shall be authorized to order such warrant to be drawn. It shall be the duty of the board to make an annual report to the council on the third Monday of April in each year, which report shall embrace an itemized statement of the revenues and the expenditures relating to or connected with each of the works under their control, keeping a separate account of each one, and a statement of the condition and operation and progress of To be reported to council. Board to make annual report to council.

Other reports.

said works. They shall also make such other reports and furnish such other information to the council as that body shall by resolution or ordinance provide.

Estimates of amounts of money needed for water works, etc., during ensuing year to be submitted to council.

SEC. 7. On or before the first Monday in September of each year, the board of public works shall submit to the council, careful estimates in detail of the amount of money which, according to the judgment of the board, will be needed for the water works, the lights and the sewers, during the ensuing year, which estimates may be increased, diminished, modified or adopted by the council, as in their judgment may seem justifiable.

Board to pay moneys to treasurer.

SEC. 8. The board of public works shall, on the first Monday in each month, pay into the city treasury all moneys received by them and belonging to the city, specifying the source from which the same was received, and shall file a detailed statement thereof, together with the receipt of the treasurer attached thereto with the city clerk, who shall report the filing of such statement and receipt to the council.

Collection of water and light rates.

SEC. 9. The board of public works may provide when and to whom all water and light rates and other moneys collectible by them shall be paid, and what steps shall be taken to enforce payment thereof; and may provide in case of non-payment that such water, light or sewage connection be shut off or stopped as to any person neglecting or refusing to make such payment; and may also collect the same in an action of assumpsit on the common counts, in the name of the city, in any court of competent jurisdiction.

Board to employ agents.

SEC. 10. The board of public works is hereby empowered, subject to the approval of the council, to employ all necessary officers, agents and employees that they may deem necessary to operate, carry on and improve all the public works placed under their care and supervision; and, subject to the approval of the council, to fix the salaries and compensation of such officers, agents and employees.

## CHAPTER XXXII.

### MISCELLANEOUS.

Collection of delinquent special assessments.

SECTION 1. In all cases where any special assessments have been made by the authority of the common council under the charter of the village of Three Rivers, and the same or some part thereof shall not have been paid at the time this act becomes a law, the same may be enforced and collected as though this act had not been passed; or, the said special assessments may be collected under the provisions of this act, and the remedies herein provided for shall be deemed cumulative to those given in said village charter.

Publishing and posting of notices.

SEC. 2. When, by the provisions of this act, notice of any matter is required to be published or posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was published, or by some per-



son in his 'employ, knowing the facts, if such notice was required to be given by publication, or by the person posting the same, when required to be by posting, shall be *prima facie* evidence of the facts therein contained.

SEC. 3. All process against the city shall run against it in the corporate name thereof, and may be served by leaving a certified copy with the mayor or city clerk, at such time and in such manner as may be provided by law.

Process against city.

SEC. 4. This act shall be deemed a public act, and shall be liberally construed in all courts and places whatsoever.

Public act.

SEC. 5. All acts and parts of acts heretofore passed, inconsistent with this act, are hereby repealed.

Acts repealed.

SEC. 6. Whenever by this act, or any other provision of law, any power or authority is vested in or duty imposed upon the corporation or city council, the council may enact such ordinances, not inconsistent with the laws and constitution of the State, as may be necessary for the execution and exercise of such power and authority and to regulate the performance of such duty, and enforce the same by suitable fines, penalties, forfeitures or imprisonment.

Power to enact ordinances.

SEC. 7. The township of Lockport shall be, remain and continue in all respects, as immediately before the passage of this act, except that said township shall hereafter exercise no jurisdiction or control within the limits of the city of Three Rivers; and the officers thereof shall cease to exercise any authority or perform any official act as such township officer within the city of Three Rivers, in any manner affecting the rights of persons or property of the citizens of the city of Three Rivers, after the election and qualification of the city officers herein mentioned: *Provided*, That the levy and collection of taxes for State, county, township, school and library purposes, in the year one thousand eighth hundred and ninety-five shall be made as heretofore; and until the annual city election in the year one thousand eight hundred and ninety-six, the said township of Lockport shall have control of, and shall construct, maintain and repair the bridges within the limits of said city, as the same has heretofore been done within the limits of the village of Three Rivers.

The township of Lockport shall be and remain and continue in all respects as immediately before the passage of this act.

Proviso.

SEC. 8. The council of the village of Three Rivers, in office at the time of the passage of this act, shall, up to such time as the city officer shall be elected as herein provided for, have the same power to pass ordinances under the provisions of this act, as are given herein to the city council; and for that purpose, the president and recorder of the village shall be considered the mayor and clerk, respectively, of the city; and such ordinances shall be passed, published, recorded and in all respects be governed by the provisions herein contained, relating to city ordinances, and shall have the same force and effect under this act as though the same were enacted by the city council.

The council of the village of Three Rivers, powers of.

SEC. 9. After this act shall take effect, the village council may, if they shall think proper, call a special election for the purpose of filling the elective offices provided for in this act;

Special election.

and in such case they shall pass a resolution declaring that such special election shall be held, and fixing the time therefor, which resolution shall be published weekly, in some newspaper published in said city, for at least three issues of said paper, next preceding the time set for holding said election.

Now governed.

SEC. 10. Such special election shall be governed in all respects as is provided in sections six, seven and eight of chapter four of this act; but the officers elected at such special election shall enter upon the duties of their respective offices as soon as they shall have qualified, and shall hold their respective offices only until their successors shall be elected at the election provided for in said chapter four, and shall qualify and enter upon the duties of their respective offices; and as soon as the officers elected at such special election shall have qualified, the term of office of the village officers shall cease: *Provided*, That all of said village officers, together with their sureties, after their respective terms of office shall have ended as aforesaid, shall be and remain responsible to the city of Three Rivers, to the same extent, in the same manner, for the same purposes and in all things the same as they were or would have been responsible to the village of Three Rivers, had such special election not been held.

Provides.

Special election shall in no wise interfere with election to be held on first Monday in April, 1896.

SEC. 11. The fact of holding such special election shall in no wise interfere with the election to be held on the first Monday in April, eighteen hundred ninety-six; but said election shall be held as provided in said chapter four, and be governed thereby, except that whatever is therein required to be performed by the village clerk and village council shall be performed by the city clerk and city council.

Village clerk.

SEC. 12. Wherever the terms "village recorder" or "recorder" occur in this act, they shall be held and construed to mean village clerk.

Act repealed.

SEC. 13. Act number one hundred and sixty-one of the session laws of the year one thousand eight hundred and fifty-five, entitled "An act to incorporate the village of Three Rivers," approved February thirteenth, one thousand eight hundred and fifty-five, together with all amendments thereto, is, subject to the provisions of this act, hereby repealed.

This act is ordered to take immediate effect.

Approved May 24, 1895.

[ No. 435. ]

AN ACT to detach certain territory from the city of Au Sable, in the county of Iosco, State of Michigan, and to attach the same to the township of Au Sable in said county.

Territory detached from city of Au Sable and attached to township of Au Sable.

SECTION 1. *The People of the State of Michigan enact*, That all that territory now included within the corporate limits of Au Sable, described as follows: All that part of said city lying and being north of the south line of Chevalier Reserva-

tion (so called), and also all that part of said city lying and being east of the east bank of the Au Sable river, be and the same is hereby detached from the city of Au Sable, in said county of Iosco, State of Michigan, and the same shall be, and is hereby attached to the township of Au Sable in said county and State aforesaid. But the territory hereby detached shall not be relieved in any manner from its just share and proportion of the present legal bonded indebtedness of said city of Au Sable, together with interest thereon, and said indebtedness shall be apportioned in accordance with the provisions of act number thirty-eight of the session laws of eighteen hundred and eighty-three, approved April twenty-first, eighteen hundred and eighty-three, entitled "An act to provide for the adjustment of rights and liabilities on division of territory of cities and townships," and acts amendatory thereof.

Territory detached shall not be relieved of its share of legal bonded indebtedness.

SEC. 2. This act shall not be construed as nullifying or repealing an act entitled "An act to incorporate the board of education of the city of Au Sable," being act number two hundred and eighty-five of the local acts of eighteen hundred and ninety-one, and the persons elected as members of such board of education under the provisions thereof shall continue to have and exercise all the duties, powers and jurisdictions conferred upon them by the provisions thereof, within the territory and district in which their jurisdiction now extends.

This act not to repeal the act incorporating the board of education.

SEC. 3. The matter of procedure in the matter of apportioning, levying and collecting taxes for the support of the schools within said district, and for altering the boundaries thereof, shall be the same as near as may be as is provided by law in the case of fractional school districts.

Procedure in the matter of taxes.

Approved May 24, 1895.

[ No. 436. ]

AN ACT to amend an act entitled "An act supplemental to the charter of the city of Detroit, and relating to parks, boulevards and other public grounds in said city, and to repeal act number three hundred and seventy-four of the local acts of eighteen hundred and seventy-nine, entitled 'An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the city of Detroit and through portions of the townships of Hamtramck, Greenfield and Springwells, in the county of Wayne,' approved May twenty-one, eighteen hundred and seventy-nine," as amended by act number four hundred and fifteen of the local acts of eighteen hundred and ninety-three, approved May twenty-ninth, eighteen hundred and ninety-three, by amending sections six, seven and fourteen thereof, and to add to said act twenty new sections to stand as sections thirty-two, thirty-three, thirty-four, thirty-five, thirty-

six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty and fifty-one of said act.

Act amended  
and sections  
added.

SECTION 1. *The People of the State of Michigan enact,* That an act entitled "An act supplemental to the charter of the city of Detroit, and relating to parks, boulevards and public grounds in said city, and to repeal act number three hundred and seventy-four of the local acts of eighteen hundred and seventy-nine, entitled 'An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the city of Detroit and through portions of the townships of Hamtramck, Greenfield and Springwells, in the county of Wayne,' approved May twenty-one, eighteen hundred and seventy-nine," as amended by act number four hundred and fifteen of the local acts of eighteen hundred and ninety-three, approved May twenty-nine, eighteen hundred and ninety-three, be amended by amending sections six, seven and fourteen thereof, and by adding twenty new sections to stand as sections thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty and fifty-one, to read as follows:

Commissioners  
to have control,  
management,  
and charge of  
improvements of  
all parks and  
public grounds.

SEC. 6. The commissioners shall have the control and management, and shall have charge of the improvement of all the parks and public grounds of said city, including the island park (known as "Belle Isle park"), and of such parks or public grounds as may hereafter be acquired, laid out, purchased or dedicated for public use in said city. And they shall likewise have control, management and charge of the improvement and maintenance of the boulevard, which was laid out and established as provided by the (said) act creating said board of boulevard commissioners, and of any other boulevard which may at any time be hereafter acquired, laid out, established or located by said city. The authority hereby conferred shall not be construed as giving charge or control to said commissioners over and to the improvement of any ordinary public street or alley. When the estimated cost of any work or improvement ordered by said commissioners shall exceed the sum of one thousand dollars, the same shall be done by contract, after advertisements for bids in at least two daily papers, printed in said city, for at least seven days.

When improve-  
ments to be  
done by con-  
tract.

May make rules  
and regulations  
for maintenance  
and care of.

SEC. 7. The said commissioners may make all needful rules and regulations for the management, maintenance and care of the said parks, public grounds and boulevard or boulevards, and for the regulation thereof, and the common council of said city may provide by ordinance for the observance of the same, and may also in like manner provide for the observance and enforcement of any other rules and regulations duly made by said commissioners under any of the provisions of this act. And said common council may by ordinance further provide for the preservation and protection of the parks, public grounds

Protection of.

and boulevards, and any of the property in charge of said commissioners against any destruction or injury, and prevent the destruction or injury to or the taking of any trees, shrubs, plants, flowers or other things set out, planted or used by said commissioners in beautifying, improving or ornamenting said parks, public grounds or boulevards, and to prevent any disorder or disturbance on or about said parks, public grounds or boulevards, or any encroachment thereon or interference with the quiet and peaceable use and enjoyment of the same for the purpose for which the same are established and maintained. Said ordinances may provide for the punishment for any breach or violation of any of their provisions by like penalties provided for violation of ordinances of said city. The commissioners of metropolitan police for the city of Detroit, upon the request of said commissioners of parks and boulevards, shall detail for service in any of the grounds under the charge of said park and boulevard commissioners, so many of the police force as may be necessary to maintain order and protect the property thereon, and any policeman on duty on said grounds may remove therefrom any person who may violate any of the rules and regulations of said commissioners, or any of the ordinances of said city, adopted as aforesaid, relating to said parks, public grounds or boulevards: *Provided*, That said commissioners of parks and boulevards, may in lieu of such detail by said commissioners of metropolitan police, appoint as many persons as may be necessary to maintain order and protect the property on any of the grounds, under the charge of the said park and boulevard commissioners, and such persons so appointed shall have all the powers of regularly appointed policemen of said city in and upon said grounds, but not elsewhere.

Police commissioner to detail police to maintain order and protect property on request.

*Provided*.

SEC. 14. The grounds of which said commissioners may have control shall be used and enjoyed solely for the purposes for which they were established: *Provided*, That privileges for the hiring of boats and vehicles and other like purposes such as are usual in public parks may be let by the commissioners for a period not exceeding three years, but the same shall be exercised and permitted only upon the same being subject to their supervision and direction, and to such orders, rules and regulations as the said commissioners may make at any time: *Provided further*, That said commissioners may prohibit the construction, use and maintenance of any and all railway or tramway cars, tracks, engines or motors on Belle Isle park, or other city park or boulevard.

To be used for purpose for which they were established.  
*Provided*.

*Further provided*.

SEC. 32. No person shall bring, drive or lead any swine, goat, cattle or any other animal other than horses or other beasts of burden in, on or along the boulevard, Belle Isle or any other parks or public grounds in charge of the commissioners of parks and boulevards; and no person shall lead any horse, mule or other animal on said boulevard or the driveways of either of said parks, or draw a second carriage, wagon or other vehicle with any horse or other motive power, nor drive thereon any

Driving or leading any swine, goat or cattle on or along boulevard or parks prohibited.

horse, before any sleigh or sled, unless there shall be a sufficient number of bells attached to harness of such horse, or to such sleigh or sled to warn persons of their approach.

Driving or speeding.

SEC. 33. No person shall ride or drive in said park or along said boulevard at a rate of speed exceeding eight miles per hour, excepting that horses may be speeded on such parts of said boulevard or Belle Isle park as may be set apart by said commissioners for that purpose, and then only under such regulations as the commissioners may prescribe.

Riding, driving, or drawing any velocipede, bicycle, hand-cart, horse or animal on the walks, etc., prohibited.

SEC. 34. No person shall ride, drive or draw any velocipede, bicycle, tricycle, wheelbarrow, handcart or any other vehicle, or any horse or other animal on the footwalks or sidewalk, grass plots or planting places of said parks or boulevard, or upon any other part or portion thereof, excepting upon the carriage drives; and no person shall permit any vehicle or animal to stand upon such roadways or carriage drives to the obstruction of the way or inconvenience of travel, and no person shall solicit passengers for hire on either of said park or boulevard, excepting by direction or permission of said commissioners.

Not to tie any animal to trees, shrubs, electric light tower or lamp post.

SEC. 35. No person shall tie any animal to any tree or shrub, electric light tower, lamp post, fire hydrant, or dock or building in said park or boulevard, nor pluck, break, trample upon or interfere with any grass, flower, plant or shrub in any of said parks or boulevards, or climb, peel, out, deface, remove, injure or destroy any tree or shrub in any public park or boulevard, or pasture any animal on the grass in any of said parks or boulevards, and no person shall stand, walk or lie upon any part of any public park or boulevard laid out and appropriated for shrubbery or for grass when there shall have been placed thereon a sign having the words, "Keep off the grass," or other similar words thereon.

No heavy traffic permitted.

SEC. 36. No heavy traffic shall be permitted on said boulevard or any of said parks, and no person shall drive any wagon, cart, dray, truck or other vehicle for the carrying of or laden with merchandise, manure, coal, wood or building material of any kind: *Provided*, That where there is no alley or side street by which premises fronting on the boulevard can be reached, trucks and such heavy vehicles carrying goods, merchandise or other articles to or from any house or premises abutting on the boulevard shall be permitted to enter thereon at the cross street nearest said house or premises in a direction in which the same are moving, and deliver or receive such goods, merchandise or articles, but shall not proceed thereon further than the nearest cross street thereafter: *Provided further*, That nothing in this section shall prevent the driving of milk wagons and ordinary light grocery or meat delivery wagons, along the boulevard for the accommodation of residents thereon.

Proviso.

Further proviso.

Not to cut, break or injure any property, or post notices.

SEC. 37. No person shall cut, break or in any way injure any electric light tower, lamp post, fence, bridge, dock, building, fountain or other structure or property in or upon any of said parks or boulevards, and no person shall post or fix any

notice or bill or other writing or printing on any tree, tower, lamp post, hydrant, curbstone, coping, flagstone, fence, dock, bridge, wall, building or other place under the charge or control of said commissioners.

SEC. 38. No person shall drive any vehicle displaying any placard or advertisement of any kind along said boulevard or on or along the driveway of any of said parks, nor shall any person display any placard or any advertisement of any kind on or upon or along the said boulevard or any of the said parks for advertising only.

Not to drive any display advertisement or placards along the parks or boulevards.

SEC. 39. No person shall dig, remove or carry away any sward, sand, turf or earth in or from any public park, or boulevard, and no person shall open or dig up or tunnel under any part or portion of the boulevard without a permit from the commissioners of parks and boulevards, and before granting any such permit the applicant therefor shall be required to deposit with the secretary of said commissioners such sum of money as the superintendent of the boulevard or such other officer as the commissioners may designate for that purpose, shall estimate, will fully cover any expense to be incurred by the commissioners in connection with such opening or tunneling, and the commissioners may make suitable regulations and conditions with respect to issuing said permits. And said commissioners may retain the actual expense, which shall be certified by the superintendent, which may be incurred by the commissioners in connection with any work done by them, for the purpose of restoring any roadway, sidewalk, planting place or other portion of said boulevard, and the secretary shall refund to the person to whom said permit shall be issued the difference, if any, between the amount deposited and the amount so certified by the superintendent. Carriage or driveways and footwalks connecting with any premises adjoining the boulevard, or hitching posts thereon, shall be allowed only on a permit issued under this section, and the material used in making such ways, walks or posts shall be determined by the said commissioners.

Not to dig, remove or carry away any sward, sand or turf from parks.

SEC. 40. No person shall place or deposit any dead carcass, ordure, filth, dirt, stone, ashes, garbage or rubbish of any kind, or other matter or substance on the said boulevard, or of any of said public parks, and no person shall wade into or throw any wood, sand, stone, or other substance into any basin, pool, lake or fountain in any public park, or bathe or fish in any of the waters thereon, except on Belle Isle park, where persons may bathe and swim, but only under such restrictions and conditions as may be prescribed by the commissioners of parks and boulevards; and no person shall send or ride any animal into same, nor shall any person kill, molest or disturb any fish, fowl or animals kept thereon.

Not to deposit dead carcasses, filth, dirt, stones, etc., on the boulevard or parks.

SEC. 41. No person shall build or place any fence, or other barrier around any grass plot or planting place on said boulevard or public park, or place any building or obstruction of any kind thereon.

Not to build any fence or barrier around grass plots or planting place.

SEC. 42. No person shall play at any game whatever in or upon said boulevard, or on any of the said parks, under the

Not to play certain games.

Proviso.

charge of the said commissioners: *Provided, however,* That ball, cricket, lawn tennis and other like games of recreation may be played upon such portions of said parks as may be designated from time to time by the commissioners and under such rules and regulations as may be prescribed by them.

Not to engage in sport liable to frighten horses.

SEC. 43. No person shall engage in any sport or exercise upon said boulevard or park as shall be liable to frighten horses, injure travelers, or embarrass the passage of vehicles thereon.

Not to discharge firearms or fireworks.

SEC. 44. No person shall fire or discharge any gun or pistol or carry firearms, or throw stones or other missiles within said park or boulevard, nor shall any person fire, discharge or set off any rocket, cracker, torpedo, squib or other fireworks or things containing any substance of any explosive character on said park or boulevard, without the permission of said commissioners, and then only under such regulations as they shall prescribe.

No person shall expose or offer any article or thing for sale, play any musical instrument, etc., without permission of commissioners.

SEC. 45. No person shall expose any article or thing for sale or do any hawking or peddling in or upon said parks or boulevard, and no person, without the consent of said commissioners, shall play upon any musical instrument, or carry or display any flag, banner, target or transparency, nor shall any military or target company, or band or procession parade, march, drill or perform any evolution, movement or ceremony within any of said parks, or upon or along said boulevard, without the permission of said commissioners, and no person shall do or perform any act tending to the congregating of persons on said boulevard or in said parks.

Gambling and disorderly conduct.

SEC. 46. No person shall gamble, nor make any indecent exposure of himself or herself, nor use any obscene language, or be guilty of disorderly conduct, or make, aid, countenance or assist in making any disorderly noise, riot, or breach of the peace, within the limits of the said parks or boulevards; and no person shall sell or dispose of any intoxicating liquors in or upon any public park without the consent of the said commissioners.

Intoxicating liquors.

All boats, carriages, railroad cars, and vehicles running for hire to be licensed.

SEC. 47. All boats and vessels, carriages, railroad cars and other vehicles running for hire to and from said Belle Isle park, or any other park, shall be duly licensed and shall be subject to all the rules and regulations that may be established by said commissioners or by the common council from time to time, and no person shall carry on the business of carrying passengers to and from either of said parks unless their vehicles shall be so licensed. And no person commanding or having charge of any boat, carrying passengers for hire shall land or permit any passengers therefrom to land at any dock on Belle Isle park, excepting such as may be designated for that purpose by the commissioners, and no person having charge of any vessel shall fasten or tie the same at any wharf or dock in Belle Isle park, excepting for the purpose of receiving or discharging passengers as permitted by this section.

SEC. 48. No person shall place or deposit or allow to be placed or keep or deposit on any part of said boulevard any



building material without the written permission of said commissioners, which permit shall state the space to be occupied and the length of time during which said permit shall be in force, and every person having use of any portion of said boulevard for the purpose of erecting or repairing any building or for placing or keeping any building material or any other article or thing thereon which shall cause any obstruction to travel thereon or render the same in any respect dangerous to travelers thereon, shall cause two red lights to be placed in conspicuous places, one at the end of said obstruction, from sunset until sunrise in the morning of each day during the time such obstruction shall remain, and shall also construct and maintain proper safeguards, and a good and safe plank sidewalk around such obstruction, which sidewalk shall be at least two feet wide, and no such permit shall be granted under this section unless in the application therefor the party applying shall agree to indemnify the city against all liability from injury to any person or property arising from such obstruction.

Not to deposit building material on any part of boulevard without written permission of commissioners.

Red lights to be placed in conspicuous places.

SEC. 49. No person shall conduct or permit any funeral procession or hearse to be driven upon the boulevard: *Provided*, That nothing herein contained shall be construed to prevent the removal of any corpse from any house abutting upon said boulevard, and the forming of the funeral procession thereon, but the hearse or procession shall not proceed further thereon than the nearest paved cross street in the direction in which said hearse shall move.

Funeral processions not to drive on boulevard. *Provide*,

SEC. 50. No person shall remove any house or building on, along or across the boulevard, except on the written permission of said commissioners, which shall be issued only upon such terms and conditions, and under such regulations as they may prescribe, and upon a deposit with the secretary of said commissioners of such sum as may be fixed by said commissioners, and as they shall estimate will fully cover all damages to walks, roadways, grass plots, trees and other property and improvements of said boulevard, and said permit shall be issued only upon the express condition that said moving shall be commenced and completed between the hours of one and six o'clock in the forenoon, and the occupancy of the said boulevard shall continue only between said hours and after said moving shall have been completed, the roadway, grass plot, walks and other property and improvements shall be restored to their former condition by the said commissioners or under the supervision of their superintendent, and their superintendent shall thereupon certify to the secretary the actual expense incurred in such restoration, and the secretary shall refund to the person to whom said permit shall be issued the difference, if any, between the amount deposited and the amount so certified by the superintendent.

Not to remove any house or building on or along the boulevard without written permission of commissioner.

SEC. 51. Any violation of the provisions of this act shall be punished in the recorder's court by a fine not to exceed one hundred dollars and costs, and, in the imposition of any fine and costs, the court may make a further sentence, that the offender be imprisoned in the Detroit House of Correction

Penalty for violation.

until the payment of such fine, for any period of time not exceeding six months.

This act is ordered to take immediate effect.

Approved May 24, 1895.

[ No. 437. ]

AN ACT to amend sections two, five, seven and eleven of act number three hundred eighty-three of the local acts of eighteen hundred ninety-three, entitled "An act to provide for the election of two justices of the peace and for the appointment of a justice clerk in and for the city of Saginaw, and to define their jurisdiction and to fix their compensation; and to abolish and discontinue the five offices of justice of the peace of said city, upon the expiration of the terms of the present incumbents thereof; and to provide for the filing of the files, records and dockets belonging to or appertaining to the offices abolished and discontinued, and for the issuance of executions upon judgments appearing on said dockets and to repeal all provisions of the charter of the city of Saginaw and of all other acts or parts of acts in any wise contravening the provisions of this act," approved May thirteenth, eighteen hundred ninety-three.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections two, five, seven and eleven of act number three hundred eighty-three of the local acts of eighteen hundred ninety-three, entitled "An act to provide for the election of two justices of the peace, and for the appointment of a justice clerk in and for the city of Saginaw, and to define their jurisdiction and to fix their compensation, and to abolish and discontinue the five offices of justices of the peace of said city, upon the expiration of the terms of the present incumbents thereof, and to provide for the filing of the files, records and dockets belonging to or appertaining to the offices abolished and discontinued, and for the issuance of executions upon judgments on said dockets, and to repeal all provisions of the charter of the city of Saginaw and of all other acts or parts of acts in any wise contravening the provisions of this act," approved May thirteenth, eighteen hundred ninety-three, be amended so as to read as follows:

Justices to have  
same jurisdic-  
tion as justices  
of townships.

Jurisdiction of  
civil cases.

SEC. 2. The said justices of the peace for the city of Saginaw shall have the same jurisdiction and powers and perform the same duties as are now exercised and performed, or may at any time hereafter be conferred by law upon justices of the peace for townships, together with jurisdiction in civil cases, where either of the parties to any such action reside in the county of Saginaw, and such further jurisdiction as may be provided by statute. In cases of examination of offenders by either of said justices, for offenses committed against the crim-

inal laws of this State, which are not triable before said justices, but before the circuit court, it shall be lawful for such justices to cause an order to be entered in the record of such examination appointing, at the request of the prosecuting attorney or his assistant, if in the judgment of said justice it is for the best interest of the public so to do, some competent stenographer to take in shorthand the testimony given upon such examination, which shall be written out in longhand upon the written request of the prosecuting attorney, filed in the cause, and the stenographer so employed shall receive such per diem compensation for the time expended by him in taking such testimony, and such price per folio for writing it out in longhand, when requested by the prosecuting attorney as aforesaid, as shall be fixed by the board of supervisors of Saginaw county, the same to be allowed and paid out of the treasury of said county.

It shall be lawful for justices to order stenographer to take the testimony in certain cases.

Compensation

SEC. 5. There shall be one clerk of the justices of the peace to be known as the clerk of the justice courts of Saginaw, who shall be nominated by the justices of the peace and elected by the common council of said city at the third regular meeting of said common council after the annual city election. In case said justices fail to join in nominating some suitable person on or before said meeting, then the common council shall elect said clerk without such nomination. His term of office shall be one year and he shall receive an annual salary of eight hundred dollars, payable monthly from the treasury of said city, for the faithful discharge of the duties of the office. It shall be his duty to keep a true record of each of said justice courts, with the assistance of the respective justices of the peace, and enter all judgments on the dockets under the direction of the justice rendering the same, in the time and manner provided by law; but after such entry, each judgment shall be signed by the justice by whom it was rendered. The said clerk shall also file and safely keep all books and papers belonging or appertaining to the said courts, and enter in a book provided for that purpose a list of the names of all jurors that sit on the trial of cases before the said justices with the names arranged in alphabetical order, together with the date or dates that each juror so sat, with a reference to the page of the docket where the proceedings of the trial are entered. He shall have power generally to administer oaths and make affidavits, he shall also fill up all processses and blank forms on request, and make all writs returnable to the said justices in regular rotation; and if upon the return or adjourned day of any cause, the justice issuing the process therein should be absent at the time to which the same was adjourned, or made returnable, the other justice shall have the same jurisdiction to proceed therein as though it had been originally commenced before him, but the record thereof shall be entered in the docket of the justice issuing the original process. The said clerk shall also receive all costs, fines and dues of every description which are provided by law in all proceedings in said justice courts, and shall pay the said county treasurer of

Clerk of justice courts.

Term of office and salary.

Duty of clerk to keep records.

Enter judgments.

File books and papers.

To keep list of jurors.

To administer oaths and make writs returnable in rotation.

To receive fines, etc., and pay same part to county and part to city treasurer.

To report to controller weekly.	Saginaw county, weekly, all such fines collected in the State criminal cases, and shall pay to the treasurer of the city of Saginaw, weekly, all such fines, costs and dues by him so received except fines in State criminal cases, and shall take the receipts of said treasurer therefor. He shall file said receipts with the city controller of said city and shall render to said controller, weekly, a report of all business transacted by the justices of the peace, including a statement of the receipts and disbursements of his office.
Fee in civil proceedings.	<p>SEC. 7. Before any action or proceeding, except proceedings in garnishment, replevin, attachment or by civil warrant, shall be commenced in any of said courts, there shall be paid to the said clerk by the said party bringing the same the sum of fifty cents as entry fee, and in actions of replevin, attachment or those begun by civil warrant, there shall be paid as aforesaid, the sum of one dollar as entry fee, and at or before the trial of any such action or proceeding shall be commenced, the further sum of one and one-half dollars; but in case of non-suit or discontinuance before the commencement of trial, only the entry fee shall be payable: <i>Provided</i>, That if there be more than two adjournments after the return day of the principal suit or after joining issue in a garnishee case, there shall be an adjournment fee paid by the party procuring said adjournment of twenty-five cents for each adjournment before he shall be entitled to such adjournment. Proceedings in garnishment shall be treated as part of the principal cause, and no additional fees shall be required therein, except when an issue of fact shall be joined in respect to the liability of a garnishee or garnishees; in such case a judgment fee of one dollar and one-half shall be paid before such trial shall commence. If any party demand a jury in any civil action in said court, he shall advance the same fees therefor that are or may be provided by the general statutes of the State, governing justice courts. The money so paid to said clerk as herein provided, shall be for the use of said city, and shall be held to be in full of all fees in civil actions, including the issuing of executions and satisfaction of judgment. The sum or sums so paid, including the jury fees, shall be taxed as costs of suit in favor of the party paying the same, if he be the prevailing party in the suit. For all services and proceedings subsequent to the issuing of the execution or for the purpose of staying proceedings, or removing causes to the appellate court, there shall be paid to the said clerk the fees now or hereafter provided by the general statutes of the State, governing the justice courts, and returns in appeal cases, and to writs of <i>certiorari</i> shall be made in the manner therein provided. In criminal cases the same costs shall be paid, and in the same manner as in proceedings before justices of the peace in townships, except that the same shall be paid to the said clerk of the justices court.</p>
proviso.	
Proceedings in garnishment to be treated as part of the principal.	
The party demanding jury shall advance the fees.	
To be taxed as cost.	
In criminal cases.	
Service of writs, how made.	SEC. 11. The service of all writs under this act shall be made in the manner prescribed by the general laws of this

State: *Provided*, That for the service of original writs within said city no constable or deputy sheriff shall be allowed to charge or demand more than fifty cents as fees for such service. *Provide.*

This act is ordered to take immediate effect.

Approved May 24, 1895.

[ No. 438. ]

AN ACT to authorize the township of Paw Paw, in the county of Van Buren, to borrow money to be used for roads, bridges and avenues of transportation, and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact*, That the township of Paw Paw, in the county of Van Buren, is hereby authorized and empowered to borrow money on the faith and credit of said township, and to issue bonds therefor to an amount not exceeding thirty thousand dollars, which shall be used for building and repairing of highways, bridges, avenues of transportation within said township: *Provided*, That two-thirds of the electors of said township, voting at an election to be called in compliance with the provisions of this act, shall vote in favor of such loan in the manner specified in this act, and not otherwise. *Authorized to borrow money.*  
*Bonds.*  
*Purpose of.*  
*Provide.*

SEC. 2. The question of raising said money by loan shall be submitted by the township board aforesaid to the electors of said township, and the vote shall be taken as near as may be in accordance with the provisions of the statute concerning elections, and the said township board shall have power to order a special election to carry out the provisions of this act; and the proceedings had at such special election shall be the same as at general elections held within such township, except that those electors voting for said loan shall have written or printed on their ballot the words, "For the loan—Yes," and those voting against the loan shall have written or printed on their ballots the words, "For the loan—No." *Question to be submitted to electors.*  
*Special elections, how held.*  
*Ballots.*

SEC. 3. If such loan shall be authorized by a two-thirds majority of such electors, said bonds may be issued in such sums, not exceeding the amount hereinbefore limited, and payable at such time and with such rate of interest, not exceeding six per centum per annum, as the said township board shall direct, and shall be signed by the supervisor of said township and countersigned by the clerk of said township, and registered by or under the direction of said township board, and the money arising therefrom shall be appropriated in such manner as the said township board may determine for the purposes aforesaid, and the said township board shall have power and it shall be their duty to raise by tax upon the taxable property of said township such sum or sums as shall be sufficient to pay the *Two thirds majority required.*  
*Power of board to raise by tax for payment of bonds.*

amount of said bonds and the interest thereon, as fast as the same shall become due. Said bonds shall be payable in not less than five years nor exceeding thirty years, and shall not be negotiated at less than their par value. The township board are hereby empowered to use the excess of said contingent fund of said township, accruing as aforesaid, in the payment of said bonds.

This act is ordered to take immediate effect.

Approved May 24, 1895.

[ No. 439. ]

AN ACT to authorize the city of Lansing to vacate a portion of Allegan street in the city of Lansing, and use the same for other public purposes.

Council authorized to vacate a part of Allegan street.

To appropriate, purpose of,

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Lansing are hereby authorized to vacate that part of Allegan street lying between Grand street and Grand river, in the city of Lansing, and appropriate the same for the purpose of building an engine house thereon for fire protection or such other public building as such city may desire to erect thereon.

This act is ordered to take immediate effect.

Approved May 24, 1895.

[ No. 440. ]

AN ACT to amend the title and section one of act number three hundred seventy-two of the local acts of eighteen hundred ninety-three, entitled "An act to provide for placing on the retired list on reduced pay members of the metropolitan police force of the city of Detroit who shall have become disabled or incapacitated while in the active performance of official duty, and members of said force and persons in the employ of the police board of said city of Detroit, who after twenty-five years faithful, continuous service shall have become permanently incapacitated from performing regular active duty," approved May fourth, eighteen hundred ninety-three.

Title of act No. 372 of local acts of 1893 amended.

SECTION 1. *The People of the State of Michigan enact,* That the title of act number three hundred seventy-two, of the local acts of eighteen hundred ninety-three, be and the same is hereby amended so as to read as follows: "An act to provide for placing on the retired list on reduced pay members of the metropolitan police force of the city of Detroit who shall have

become disabled or incapacitated while in the active performance of official duty, and members of said force and persons in the employ of the police board of said city of Detroit, who, after twenty-five years faithful service, shall have become permanently incapacitated from performing regular active duty."

SEC. 2. That section one of the aforesaid act be and the same is hereby amended so as to read as follows:

Section amended.

SECTION 1. That whenever a member of the metropolitan police force of the city of Detroit shall have become disabled or incapacitated while in the actual performance of official duty, and whenever any member of said force or other person in the employ of the police board of the city of Detroit, who has performed faithful service as such member or employe for a period of not less than twenty-five years, shall have become permanently incapacitated from performing regular active duty, he may be retired by the board of police commissioners from regular active service and placed upon the retired list, and when so retired shall be paid annually in equal monthly payments a sum equal to one-half the annual pay received by him at the time of his retirement, if the surgeon of said force or some other competent physician authorized by said police board to act in the premises, shall certify to said board in writing that he is permanently, physically or mentally incapacitated from regular active duty, which finding shall be approved by said board by resolution duly of record: *Provided*, That no member of said force shall be so retired until he has been duly notified by said board of its intention to so retire him, and he has had an opportunity of being heard in opposition thereto: *Provided further*, Any member of said force deeming himself entitled to the benefits of this act may make written application to the said board for such benefits, and it shall be the duty of said board to hear and determine said application.

Compensation of policeman on retired list or disabled while on duty.

To be examined by surgeon.

Provided.

Further proviso.

This act is ordered to take immediate effect.

Approved May 24, 1895.

[ No. 441. ]

AN ACT to authorize the city of Alpena to construct or purchase, own and maintain a system of water works, and to provide means for constructing or purchasing, maintaining and managing the same.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of constructing or purchasing, owning and maintaining, a system of water works for the use of the city of Alpena and the inhabitants thereof, the common council of said city is hereby authorized to submit to the electors of said city, at a special election to be called for that purpose, a proposition to raise a sum of money not exceeding one hundred and fifty thousand dollars by loan, at a rate of interest not to

Authority to borrow money.

Proposition to be submitted to electors at a special election.

Special election to be conducted in accordance with the provisions of the city charter, except as herein modified or changed. Proviso.

exceed five per cent per annum to be voted upon by ballot. Said special election shall be called, conducted, managed and votes canvassed and returns made in accordance with the provisions of the charter of said city of Alpena, in relation to bonding the city for other purposes, except as herein modified or changed: *Provided*, That at said special election the voting shall take place at the various voting precincts of the city of Alpena in the usual manner, and the recorder of the city of Alpena shall prepare a proper official ballot, to be voted at said special election, and deliver the same to the various election boards in time for use; and at said special election the election boards of the various wards of said city shall constitute the election boards for this special election, and each of said election boards shall immediately after the closing of the polls canvass the votes cast, and make and execute a certificate showing the result, and file such certificate with the recorder of the city of Alpena; and upon the next day after such special election, the mayor, city treasurer and recorder, or any two of them, shall meet at the recorder's office at two p. m. o'clock, and shall constitute a city canvassing board, and shall then canvass the returns of said special election as shown by said certificates with said records, and shall make and execute two certificates showing the result of said special election in said city and of the votes given for and against the issue of said bonds or for and against said loan, and one of which certificates shall be filed with the recorder of said city and the other with the county clerk of Alpena county: *And provided further*, That upon the Saturday next preceding said special election the various boards of registration of said city of Alpena shall be in session for the purpose of allowing all qualified electors of said city the privilege of registering.

If proposition be approved by majority of electors common council may construct or purchase system of water works.

SEC. 2. If such proposition be approved by a majority vote of said electors present and voting, the common council of said city may, at any time thereafter, construct or purchase and own said system of water works so acquired, and make such loan or so much thereof as may be necessary to pay for said water works so constructed or purchased and issue the bonds of said city for payment thereof with the interest thereon; said bonds to mature within such time as fixed by said common council, not exceeding thirty years from the date thereof.

Management and control of to be vested in a water board.

Who to be members of water board.

Term of office of commissioners.

SEC. 3. The management and control of said system of water works, when so constructed or purchased and owned by said city of Alpena, shall be vested in a water board, which shall consist of the mayor, comptroller and city treasurer and four commissioners to be electors of said city, and shall be appointed by the mayor and confirmed by the common council; said board to serve without compensation. One of said commissioners to hold office for one year, one for two years, one for three years, and one for four years from the first day of May, eighteen hundred ninety-five, and thereafter each year between the annual election and first day of May, the mayor shall appoint and common council confirm a commissioner of said board, who shall hold his said office for four years; and in



case of a vacancy in the office of said commissioners, the same shall be filled by appointment of the mayor and confirmed by said common council. Said water board shall hold such meetings and adopt such rules for their own procedure and management as they shall deem wise and necessary; and shall have such powers concerning the management and maintenance of such system of water works as may be from time to time conferred upon said water board by said common council; and each year before the annual election shall make to the common council a full report of their doings, which said report among other things shall show the estimated amount necessary to be raised by taxation for all the expenses of said board, including payment of said bonds and interest thereon, which said sum so recommended by said board shall be raised by taxation by said common council of the city of Alpena.

Vacancy, how filled.

Powers of water board.

This act is ordered to take immediate effect.

Approved May 24, 1895.

[ No. 442. ]

**AN ACT** to reorganize school district number four in the township of Fairgrove, Tuscola county, Michigan, and fractional school district number six of the townships of Fairgrove and Gilford, in said county, and to organize a school district in said township of Fairgrove, to be known and designated as school district number eight of Fairgrove.

**SECTION 1.** *The People of the State of Michigan enact,* That the following described territory, to wit: The west one-half of sections sixteen and twenty-one, in township thirteen north of range eight east, in Tuscola county, Michigan, be detached from school district number four, in said township of Fairgrove; the east half of section seventeen and the northeast quarter of section twenty in said township be detached from school district number six in said township; the southeast quarter of said section twenty in said township be detached from school district number five in said township; and that the whole of the territory so detached as aforesaid be and the same is hereby formed, organized and incorporated into a school district with all the rights, powers, privileges and liabilities of school districts formed and organized under the general laws of this State, to be known and designated as school district number eight of Fairgrove, in the county of Tuscola and State of Michigan.

Territory detached from and formed into a new school district to be known as district No. 8.

**SEC. 2.** The northeast one-fourth of section thirty and the west one-half of the northwest one-quarter of section twenty-nine, all in township thirteen north of range eight east, in Tuscola county, State of Michigan, be and the same is hereby detached from school district number five in said township, and attached and made a part of school district number six, frac-

Territory detached from district No. 5 and attached to district No. 6.

Territory of districts No. 2 and 5 detached from and added to district No. 4.

First meeting of district No. 4.

To be governed by general law.

tional, of said township and Guilford township; and that the northwest quarter of section twenty-three and the east one-half of the southwest quarter of section fourteen, in said township of Fairgrove, be detached from school district number two in said township, and the northeast quarter of section twenty-eight, and the west one-half of the northwest quarter of section number twenty-seven, in said township of Fairgrove, be detached from school district number five in said township, and all of said territory be attached, added to and made part of school district number four in said township of Fairgrove.

SEC. 3. The first meeting of said district number eight of Fairgrove may be called by any three taxable inhabitants thereof, notice in writing of the time and place of holding said meeting having been previously posted in three public places in the territory comprising said district at least five days before the time designated therein for said meeting, signed by the inhabitants calling the same, at which meeting there shall be elected a moderator, director and assessors of said district, who shall respectively hold their offices until the annual meeting of said district, to be held on the first Monday of September, A. D. eighteen hundred ninety-five, when their successors shall be elected.

SEC. 4. Except as herein otherwise provided said school district and its officers shall be subject to the provisions of chapter one hundred and ninety-six of Howell's annotated statutes, relating to public instruction and public schools, and acts amendatory thereof.

This act is ordered to take immediate effect.

Approved May 25, 1895.

[ No. 443. ]

AN ACT to provide for the collection of certain assessments on premises belonging to the Chicago and West Michigan Railway Company, the Detroit, Lansing and Northern Railroad Company, the Lake Shore and Michigan Southern Railway Company, the Grand Rapids and Indiana Railroad Company, the Michigan Central Railroad Company, and the Detroit, Grand Haven and Milwaukee Railway Company, for public improvements in the city of Grand Rapids.

Certain railway companies liable for all valid, unpaid special assessments for public improvements heretofore made.

SECTION 1. *The People of the State of Michigan enact,* That the freight houses, road beds, rights of way and other premises of the Chicago and West Michigan Railway Company, the Detroit, Lansing and Northern Railroad Company, the Lake Shore and Michigan Southern Railway Company, the Grand Rapids and Indiana Railroad Company the Michigan Central Railroad Company and the Detroit, Grand Haven and Milwaukee Railway Company within the corporate limits of the said city of Grand Rapids which are necessarily used in

operating their respective franchises are liable for all valid unpaid special assessments for public improvements heretofore made within said city of Grand Rapids and legally assessed against the same, but that no lien shall attach thereto on account of such assessments and that the payment of such assessments shall not be enforced and collected out of the same.

SEC. 2. All such assessments which are valid and all installments thereof together with all interest and charges thereon and all costs and charges for enforcing and collecting the same, are hereby declared legal demands against said respective railroad or railway corporations, against whose premises said assessments were made, in favor of said city of Grand Rapids, and may be enforced by said city against said railroad or railway corporations in an action of assumpsit, or other proper legal action, and collected out of any property of said respective railroad or railway corporations, which is liable to levy and sale upon execution.

Declared legal demands.

SEC. 3. If, after the passage and taking effect of this act, any such assessment or any installment thereof, is, or shall thereafter become, due and payable, and the same is not paid and discharged by the railroad or railway corporation against which the same is a legal demand, the said city of Grand Rapids is hereby authorized and empowered immediately to enforce and collect the same, together with all interest and charges thereon, and all costs and charges for collecting the same, in any manner provided for in this act.

Authority to enforce and collect assessment together with interest and charges thereon.

This act is ordered to take immediate effect.

Approved May 27, 1895.

[ No. 444. ]

AN ACT to amend sections one, two, three, four and six of title two; sections ten and twenty-one of title three; sections three, four, eight, eleven, twelve, thirty-one and thirty-three, and inserting a new section to stand as section thirty-five of title four; section twelve and inserting a new section to stand as section twenty-eight of title five; section ten of title six; section one of title eight, and to add a new title to be numbered eleven, entitled "The board of assessors," of act number two hundred eighty-two of the local acts of eighteen hundred seventy-seven, entitled "An act to revise the charter of the city of Grand Rapids, being amendatory of an act entitled 'An act to incorporate the city of Grand Rapids,' approved April second eighteen hundred fifty as amended by the several acts amendatory thereof," approved March twenty-ninth, eighteen hundred seventy-seven.

SECTION 1. *The People of the State of Michigan enact,* That sections one, two, three, four and six of title two; sections ten and twenty-one of title three; sections three, four,

Sections amended, and new sections inserted.

eight, eleven, twelve, thirty-one and thirty-three and inserting a new section to stand as section thirty-five, of title four; section twelve, and inserting a new section to stand as section twenty-eight, of title five; section ten of title six; section one of title eight, of act number two hundred eighty-two of the local acts of eighteen hundred seventy-seven, entitled "An act to revise the charter of the city of Grand Rapids, being amendatory of an act entitled 'An act to incorporate the city of Grand Rapids,' approved April second, eighteen hundred fifty, as amended by the several acts amendatory thereof," approved May [twenty-ninth] ninth, eighteen hundred seventy-seven, be and the same are hereby amended so as to read as follows; and that a new title be added to said act to stand as title eleven, and be entitled "The board of assessors."

## TITLE II.

City officers  
elected and  
appointed.

SECTION 1. The officers of said city shall be the mayor, treasurer, comptroller, one clerk, marshal, a board of assessors to consist of three members, a board of poor commissioners to consist of three members, six aldermen at large, one alderman and one constable in each ward of said city, all of whom shall be elected or appointed as hereinafter provided. Also one city physician, one city attorney, one inspector of buildings and so many common criers, keepers of almshouses, workhouse and penitentiary, inspectors of fire wood, inspectors of highways and weighmasters as the common council shall from time to time direct; all to be appointed as hereinafter provided. No person shall be eligible to any of said offices, unless he shall then be an elector and resident of said city, nor shall he be eligible to any office for any ward or district, unless he shall then be an elector and resident of said ward or district, and when any officer hereinbefore named shall cease to reside in said city, ward or district, his office shall thereby become vacant: *Provided*, That it shall not be competent for any city officer to hold two offices, the salary or compensation for which is paid by the city government or any department thereof.

Who shall be  
eligible to office.

Proviso.

Annual election.

Notice.

SEC. 2. An election shall be held in each ward annually, on the first Monday in April, at such place or places if there shall be more than one voting precinct in any ward, as the common council shall appoint, by a notice published at least five days previous to the election, in the two official newspapers printed and circulated in said city, but in no other papers, or by posting printed notices of the holding of said election in at least three of the most public places in each ward or precinct, at least five days previous to said election.

Election of al-  
derman and  
ward officers.

SEC. 3. At the first annual election held under the provisions of this act, three aldermen shall be elected by the qualified voters of the whole city for the term of two years, and three aldermen shall be so elected for the term of one year, and annually thereafter three aldermen shall be elected by the qualified voters of the whole city for a term of two years. At

said first election, one alderman shall be elected in each ward designated by an even number, for a term of two years; in each ward designated by an odd number, the alderman whose term is unexpired shall hold his office until the expiration of the term for which he was elected; at the expiration of the term of office of each alderman, his successor shall be elected for a term of two years. There shall be elected annually in each ward, by the electors thereof, one constable for the term of one year. There shall be elected at the first annual election after the passage of this act, [and] an biennially thereafter, by the electors of the whole city voting in their respective wards, one mayor, whose term of office shall be two years. At the second annual election, after the passage of this act, and at the annual election every second year thereafter, there shall be elected in this city by the electors thereof voting in their respective wards, one treasurer, one clerk, one comptroller, one marshal, each of whom shall hold his office for the term of two years: *Provided*, That all persons now holding the four last named offices in said city shall continue to hold their several offices for the remainder of their unexpired term. The marshal shall perform such duties as are prescribed in this charter, and as may be prescribed from time to time by the common council. The mayor shall have the power, and it shall be his duty, to appoint immediately after assuming his office after the first charter election to be held after the passage of this act, a board of poor commissioners, as provided in section one of this act, one for one year, one for two years, and one for three years. A member of said board shall be appointed annually thereafter. The duties of such commissioners shall be as herein-after specified, and they shall hold their offices thereafter for the term of three years. No more than two members of said board so appointed shall be of any one political party.

SEC. 4. The mayor shall, on the first Monday in May after the passage of this act, or within twenty days thereafter, and on the first Monday in May biennially thereafter, or as soon as may be after that time, appoint one city physician, whose duty may be prescribed by the common council, one inspector of buildings and so many common oriers, keepers of almshouses, weighmasters, inspectors of firewood and inspectors of highways as the common council may deem necessary. The mayor shall also, at the time aforesaid, and every second year thereafter, appoint a city attorney, who shall perform such services as an attorney and counselor at law and solicitor in chancery for said city as are prescribed in this charter. The mayor shall also, at the time aforesaid, appoint all other officers whose appointments are not otherwise provided for by the provisions of this charter. All officers appointed by the authority of this section shall be so appointed on the nomination of the mayor, and confirmation by the common council, and the votes of a majority of all the members elect of said common council, shall be necessary to a confirmation. All appointive officers provided for in this act shall hold their offices for the period of

Officers to be elected at annual election.

At second annual election.

Provide.

Duty of marshal.

Mayor to appoint a board of poor commissioners.

Term of.

City officers appointed by mayor.

City physician.

Inspector of buildings.

City attorney.

Other officers.

To be confirmed by majority vote of council.

Term of office.

Nominations by the mayor, when to be made.

one year from the first Monday in May of the year of their appointment, unless a different term of office shall by this charter be specially designated, and until their successors are appointed and qualified, unless sooner removed, as herein provided. All nominations by the mayor to fill vacancies or appointments, and to be confirmed by the council, shall be made within fifteen days from the time specified by this charter or after such vacancy occurs, and if the mayor fails to make such nomination within said fifteen days, then the said council may, by a majority vote of its members elect, make said appointments without the nomination of said mayor. If the common council shall fail to confirm any nomination made by the mayor he shall have another period of fifteen days to make a new nomination.

**When council may make appointments.** SEC. 6. All officers appointed by the mayor and confirmed by the council and all officers elected by the electors as provided by the provisions of this charter, may each be removed from office by the common council for official misconduct, or for unfaithful or improper performance of the duties of his office; and in like manner officers appointed by the mayor and not confirmed by the common council may be removed by the mayor for official misconduct or for unfaithful or improper performance of the duties of his office: *Provided*, That notice of the charges against any such officer and an opportunity of being heard in his defense shall be given in all cases.

**Mayor to have additional time for nominations.**

**May be removed for official misconduct.**

**Proviso.**

### TITLE III.

**Power of council relative to ordinances.** SEC. 10. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power, within said city, to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they deem desirable, within said city, for the following purposes:

**Vice and immorality.** *First*, To prevent vice and immorality, to preserve public peace and good order, and to prevent and quell riots, disturbances, and disorderly assemblages;

**Disorderly houses.** *Second*, To restrain and prevent disorderly and gaming houses; to destroy all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables and bowling alleys;

**Selling or giving intoxicating liquors.** *Third*, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of this State, and to forbid the selling, or giving to be drunk, any intoxicating liquors to any child or young person, and to prohibit, restrain and regulate the sale of all goods, wares and personal property at auction, except in case of sales authorized by law, and to fix the fee to be paid by auctioneers:

*Fourth,* To prohibit, restrain or regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances, and other exhibitions for money;

Shows, concerts and exhibitions.

*Fifth,* To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog pen, sewer, or other offensive or unwholesome house or place to cleanse, remove, or abate the same from time to time, as often as they may deem necessary for the health, comfort and convenience of said city;

Nuisances.

*Sixth,* To direct the location of all slaughter houses, markets and buildings for storing gunpowder or other combustible substances;

Slaughter houses and markets.

*Seventh,* Concerning the buying, carrying, selling and using gunpowder, firecrackers or fireworks, manufactured or prepared therefrom, or other combustible materials, and the exhibition of fireworks, and the discharge of firearms, and the lights in barns, stables and other buildings, and to restrain the making of bonfires in streets and yards;

Gunpowder and fireworks.

*Eighth,* To prevent the cumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges, aqueducts, wharves, or slips, in any manner whatever;

Cumbering of streets, sidewalks and bridges.

*Ninth,* To require any horse, horses or mules attached to any vehicle or standing in any of the streets, lanes, or alleys in said city to be securely fastened, watched, or held, and to prevent and punish horse racing and immoderate driving or riding in any street; and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street;

Horses, mules, etc., in streets.

*Tenth,* To determine and designate the route and grades of any railroad to be laid in said city; and to restrain and regulate the use of locomotives, engines and cars upon the railroads within the city; and to compel the owners and managers of such railroads to station flagmen at street crossings, and to make such other rules and regulations concerning such railroads as to secure the safety of the citizens of said city;

Railroads.

*Eleventh,* To prohibit or regulate bathing in any public water, and to provide for cleansing Grand river of driftwood and other obstructions;

Bathing in public waters.

*Twelfth,* To restrain and punish drunkards, vagrants, mendicants, street beggars, soliciting alms or subscriptions for any purpose whatever;

Drunkards, vagrants and mendicants.

*Thirteenth,* To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding;

Pounds and cattle running at large.

*Fourteenth,* To regulate and prevent the running at large of dogs, to prevent dog fights in the streets, and to provide for the destruction of dangerous and vicious dogs; to require the payment of a license by the owner or person having possession

To license dogs; fine for refusing to pay such license.

of dogs, and to provide for the imposing of a fine upon such persons for refusing to pay such license;

Dead carcasses.

*Fifteenth*, To prohibit any person from bringing or depositing within the limits of said city, any dead carcass or other unwholesome or offensive substances, and to require the removal or destruction thereof, if any person shall have on his premises such substances, or any putrid meat, meats, fish, hides, or skins of any kind, and on his default to authorize the removal or destruction thereof, by some officer of the city;

Sidewalks, to keep free from obstructions, snow and ice.

*Sixteenth*, To compel all persons to keep the sidewalks in front of premises owned or occupied by them clear from dirt, wood or obstructions; and to compel every owner or occupant of any house or building, and every owner or agent of any lot in the city of Grand Rapids, to keep said sidewalks free and clear from snow or ice and not to permit such snow or ice to remain thereon.

Ringling of bells and crying of.

*Seventeenth*, To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Line of buildings on streets.

*Eighteenth*, To regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and to prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner or builder violating this provision, not to exceed five hundred dollars;

Burying of dead, reports of births and deaths.

*Nineteenth*, To regulate the burial of the dead, and to compel reports of births and deaths to be made to the board of public health, and the return of all burial permits to said board, and to provide for a complete record of births, deaths and interments, to be kept in the office of said board of health; the board of health is hereby empowered to inspect all premises with a view to the enforcement of proper sanitary regulations thereon, and to cause all wells and cisterns to be properly guarded;

Markets.

*Twentieth*, To establish, order, and regulate the markets of said city; to regulate the vending of hay, wood, meats, vegetables, fruit, fish and provisions of all kinds, and prescribe the time and place for selling the same, and the fees to be paid by butchers for license: *Provided*, That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the said city;

Proviso.

Reservoirs, wells and pumps.

*Twenty-first*, To establish, regulate and preserve public reservoirs, wells and pumps, and to prevent the waste of water;

Sextons, carts, hacks, sprinkling wagons, fees and licenses.

*Twenty-second*, To prescribe rules to govern sextons and undertakers for burying the dead, carmen and their carts, hackney carriages and their drivers, scavengers, sprinklers and sprinkling wagons and carts, porters and chimney sweeps, and their fees and compensation, and the fees to be paid by them into the city treasury for license;

Hotel runners.

*Twenty-third*, To regulate the soliciting of guests for hotels and passengers and others to ride upon any railroad, boat, street car, omnibus or stage;



*Twenty-fourth*, To regulate the lighting of the streets and alleys of the said city, and the protection and safety of public lamps, and to employ a suitable person to superintend the same, and to prescribe his duties and fix the compensation therefor; Lighting streets.

*Twenty-fifth*, To license and regulate hawking and peddling in the streets of said city, and to license and regulate pawnbrokers, junk dealers, dealers in second-hand goods and merchandise, and transient tradesmen; whoever loans money on deposit or pledges of personal property, or who purchases personal property or choses in action on condition of selling the same back again at a stipulated price, is hereby defined, and declared to be pawnbroker; Peddlers, pawnbrokers, dealers in second hand goods, and transient tradesmen.

*Twenty-sixth*, To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of said city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law; Duty of officers appointed by council.

*Twenty-seventh*, To preserve the salubrity of the waters of Grand river, or other streams within the limits of the said city; to fill up all low grounds or lots covered, or [partially] partly covered, with water, or to drain the same, as they may deem expedient; Purity of public waters.

*Twenty-eighth*, To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay and produce exposed for sale in the said city; Carriage, hay and other stands.

*Twenty-ninth*, To provide for and regulate the election and appointment of all officers, and for their removal from office, and for the filling of vacancies, subject to this act; Election, appointment and removal from office.

*Thirtieth*, To authorize and regulate the demand and receipt by officers, of such fees and costs, and in such cases as the common council may deem reasonable; Fees of officers.

*Thirty-first*, To provide for public parks and squares, make, grade, improve and adorn the same, and all grounds in said city belonging to, or under the control of the corporation, and to control and regulate the same, consistently with the purposes and objects thereof; Public parks.

*Thirty-second*, To sell or otherwise provide for disposing of all dirt, filth, manure and cleanings, lying in or gathered from highways, streets, avenues, lanes, alleys and public [spaces] squares, and all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving or otherwise improving the same; Disposing of filth.

*Thirty-third*, To provide for the cleaning of the highways, streets, avenues, lanes, alleys, public grounds and squares, crosswalks and sidewalks in said city; to prohibit and prevent the incumbering thereof in any manner whatever; and to remove any obstructions therefrom, and the exhibition of signs on canvass or otherwise in and upon any vehicle, standing or traveling upon the streets of said city; to control, pre-

Cleaning streets, regulating awnings and signs.

Use of streets.

scribe and regulate the mode of constructing and suspending awnings, and the exhibition and suspension of signs thereon; to control, prescribe and regulate the manner in which the highways, streets, avenues, lanes, alleys, public grounds and spaces within said city shall be used, and to provide for the preservation of, and the prevention of wilful injury to, the gutters in said highways, streets, lanes and alleys; to direct and regulate the planting, and to provide, for the preservation of ornamental trees therein;

Lamp posts, hitching posts, frightening teams, etc.

*Thirty-fourth*, To provide for and regulate the lighting of public lamps, and for the erection of lamps and lamp posts and suitable hitching posts; to prohibit all practices, amusements and doings in said streets, having a tendency to frighten teams and horses, or dangerous to life or property, to remove or cause to be removed therefrom all walls and structures that may be liable to fall therein, so as to endanger life or property;

Riots, disorderly noise and disturbances.

*Thirty-fifth*, To prohibit and prevent any riot, rout, disorderly noise, disturbance, or assemblage in the streets or elsewhere in said city;

Regulate hotel runners, hackmen and porters.

*Thirty-sixth*, To preserve quiet and order in the streets and other public places in said city at the arrival and departure of railroad cars, and prescribe and regulate the manner and places in which drivers, porters, runners, solicitors, agents and baggage collectors for hotels or public houses or express companies, draymen, cabmen, cartmen, omnibus drivers and solicitors for passengers or baggage, with their drays, carts, cabs, carriages, sleighs or other vehicles shall stand, and to prohibit or prevent them from entering or driving within any railroad depot to solicit passengers or baggage;

Public carriages.

*Thirty-seventh*, To prescribe the places or stands in the streets of said city within which any vehicles may be kept for hire, and to regulate such stands and places;

Exposure of person.

*Thirty-eighth*, To prohibit or prevent in the streets or elsewhere in said city, indecent exposure of the person, the show, sale or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings and books, and all indecent or obscene exhibitions or shows of any kind;

Drainage and sewers.

*Thirty-ninth*, To establish, construct, maintain, repair, enlarge and discontinue within the highways, streets, avenues, lanes, alleys and public places of said city, such bridges, culverts, sewers, drains, and lateral drains and sewers, as the common council may see fit, with a view to the proper draining and sewerage of said city; to compel the owners or occupants of all occupied lots, premises and subdivisions thereof within said city, to construct private drains and sewers therefrom to connect with some public sewer or drain; said private drains and sewers shall be constructed in such manner and of such form and dimensions, and under such regulations as the board of public works may prescribe;

Sewer tax.

*Fortieth*, To assess, levy and collect an annual assessment or tax on the real and personal property of said city, for the purpose of cleansing and keeping in repair the public sewers of said city;

*Forty-first,* To survey and establish the boundaries of the city, and of all highways, streets, avenues, lanes, alleys, public parks, squares and spaces in said city; to prohibit and remove all incumbrances and encroachments on the same by buildings, fences or in any other manner; to prohibit the use of barbed wire for fences on street lines; to number buildings, the expense of such numbering to be assessed against and collected of the owner or occupant; to regulate the planting of shade trees in the public streets and avenues of said city, and the trimming and care thereof, and the trimming and care of trees adjacent thereto in such manner as not to interfere with public travel, or obscure public lights thereon, and to require the same to be done at the expense of the owner or occupant of premises adjoining the same; and, if such owner or occupant shall neglect or refuse, after reasonable notice so to do, to conform to such regulations, to cause such regulations to be carried out and enforced at the expense of the city, and such expense to be assessed upon said adjoining premises and collected, in the manner provided by the provisions of section seventeen of title six of the charter of said city, for the assessment and collection of the expense of constructing and repairing sidewalks;

Boundaries of city and streets.

Encroachments.

Barbed wire fences.  
Numbers.

Shade trees.

*Forty-second,* To provide for the preservation of the general health of the inhabitants of said city; to make regulations to secure the same; to prevent the introduction or spreading of contagious or infectious diseases; to prevent and suppress diseases generally, and, if deemed necessary, to establish a board of health and prescribe and regulate its powers and duties, subject to the provisions of this act;

General health.

*Forty-third,* To regulate plumbing, house drainage and ventilation; to direct and regulate the location, construction and alteration of all cellars, slips, barns, private drains, cesspools, sinks and privies; to compel all owners or occupants to fill up, drain, cleanse, alter, relay or repair the same; to compel the owner or owners to repair or renew all defective, broken or worn out plumbing, and to provide sufficient and proper ventilation and plumbing in and around their buildings and premises, or cause the same to be done by some proper officer designated in the ordinance governing the same, and assess the expense thereof on the lot, buildings and premises having such cellar, slip, barn, private drain, cesspool, sink or privy thereon, or having the repairs, renewals, and insufficiencies in the drainage, ventilation or plumbing made in the buildings or on the lot or premises, which assessment shall be a lien on the lot, buildings and premises, and be collected in the same manner as other assessments imposed by authority of the common council; to direct and regulate the construction of lateral sewers or drains for the purpose of effectually draining all lots, cellars, yards, low grounds and sinks within the city, whenever it may be necessary: *Provided,* That if such lateral sewer or drain be laid or constructed through any of the streets and alleys adjoining or in front of the premises through which such sewers or drains shall be ordered constructed, the expenses

Construction of cellars, drains, sinks and privies.

To repair defective, broken or worn out plumbing.

Proviso.

thereof shall be assessed on such lots and premises benefited thereby, which assessment shall be a lien on such lots and premises until paid, and be collected in the same manner as other assessments imposed by the authority of the common council;

Buildings for storage of gunpowder, tanneries, etc., dangerous, or offensive or injurious to public health.

*Forty-fourth*, To prohibit and prevent within certain limits in said city, to be determined by the common council, the location or construction of buildings for storing gunpowder, powder factories, tanneries, distilleries, buildings for the manufacture of turpentine, camphene and dangerous or explosive substances; slaughter houses and yards, butchering shops, soap, candle, starch and glue factories; establishments for steaming or rendering lard, tallow, offal, and such other substances as can be rendered into tallow, lard or oil, and all establishments where any nauseous, offensive or unwholesome business may be carried on; and such buildings, factories, shops and establishments, as aforesaid, now or hereafter to be constructed in said city, together with blacksmith shops, foundries, cooper shops, steam boiler factories, carpenter shops, planing establishments, breweries, and all buildings and establishments usually regarded as extra hazardous in respect to fire, shall be subject to such regulations in relation to their construction and management as the common council may make, with a view to the protection of persons or property from injury by fire, or of the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances; to take all necessary measures to prevent annoyance to the public, and to protect all persons in the city from injury to their health and property caused by the discharge of dense smoke into the atmosphere;

Conveying gunpowder.

Lights or lamps to be used in barns.

*Forty-fifth*, To regulate the keeping and conveyance in said city of gunpowder and other combustible or dangerous articles, and the use and kind of lights or lamps to be used in barns, stables and all buildings and establishments usually regarded as extra hazardous in respect to fire;

Fire limits.

*Forty-sixth*, To prohibit and prevent the location or construction of any wooden or frame house, store, shop or other buildings on such streets, alleys and places or within such limits in said city as the common council may from time to time prescribe; to prohibit [and prevent] the removal of wooden or frame buildings from any part of said city to any lot on such streets, alleys and places, within said limits, and the rebuilding or repairing of wooden buildings on said streets, alleys and places within said limits, when damaged by fire or otherwise;

Partition fences, walls of buildings.

*Forty-seventh*, To regulate the construction of partition fences, and of partition and parapet walls, the walls of buildings, the thickness of walls, to regulate the construction of chimneys, hearths, fire places, fire arches, ovens, and the putting up of stoves, stove pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys and chimney flues; to compel and regulate the cleaning thereof and fix the fees therefor; to compel and regulate the construc-

Stoves, pipes, and the construction thereof.

tion of ash houses or deposits of ashes; to compel the owners of houses and other buildings to have scuttles upon the roof thereof, and stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures, to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition; to authorize any of the officers of the city to keep away from the vicinity of fires all idle or suspicious persons, and to compel all officers of the city and other persons, to aid in the extinguishment of fires and in the preservation of property exposed to danger therefrom;

Scuttles.

Dangerous buildings.

Aid in extinguishing fires.

*Forty-eighth.* To prohibit, prevent and suppress the keeping of houses of ill fame or assignation, or for the resort of common prostitutes, disorderly houses, and disorderly groceries; to restrain, suppress and punish the keepers thereof; to punish common prostitutes, vagrants, and drunken and disorderly persons; to prohibit, prevent and suppress mock auctions, and every kind of fraudulent game, device or practice, and punishing and to punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management, use and practice thereof;

Houses of ill-fame, disorderly houses, and vagrants.

*Forty-ninth.* To prohibit, prevent and suppress the sale of every kind of unsound, nauseous, or unwholesome meat, poultry, fish, vegetables or other articles of food or provisions; and to punish all persons who shall knowingly sell the same, or offer or keep the same for sale; to compel all persons selling milk or keeping the same for sale in said city, to procure a license therefor, and to be properly registered; to provide for the appointment of, and to fix the compensation of inspectors of meats, milk, food and provisions; to impose a reasonable license fee on all persons engaged in furnishing, selling or offering for sale of meats, milk and food products of every kind, for the purpose of defraying the expenses of such inspection;

Unwholesome articles of food.

To register and procure license for selling milk.

*Fiftieth.* To prohibit, restrain or prevent persons from gambling for money with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines or other instruments or devices whatsoever, in any grocery, store, shop or any other place in said city; to punish the persons keeping the building, instruments, or means for such gaming, and to compel the destruction of the same;

Gaming.

*Fifty-first.* To prohibit, prevent and suppress all lotteries for drawing or disposing of money, or any other property whatsoever, and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, direction or management thereof;

Lotteries.

*Fifty-second.* To license and regulate solicitors of passengers or baggage for the benefit of any hotel, tavern, public house, boat, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every descrip-

Compensation of carmen, hacks, porters, and vehicles for hire.

	tion used and employed for hire, and to fix and regulate the amount and rates of their compensation;
Auctioneers, peddlers, hawkers, intelligence offices and pawnbrokers.	<i>Fifty-third</i> , To license and regulate auctioneers, hawkers, peddlers, pawnbrokers, and regulate auctions, hawking, peddling and pawnbrokerage; license and regulate the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise, goods and other property whatsoever, by hand, hand-cart, show case, show stand or otherwise, in the public streets; to license and regulate employment agencies, and offices, intelligence offices, or bureaus and labor bureaus, and all persons whose business it is to find employment for others, for hire or reward, and require references and bonds to be given by every person, company or corporation, engaging in such business, before the same shall be licensed, in order that the public and persons dealing with such offices and agencies may be protected;
Bond required.	
Public exhibitions.	<i>Fifty-fourth</i> , To prohibit and prevent, or license and regulate public exhibitions, by itinerant persons or companies, or natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind;
License of hotels, grocers, and saloons.	<i>Fifty-fifth</i> , To license and regulate the keepers of hotels, taverns and other public houses, grocers and keepers of ordinaries, saloons and victualing and other houses or places for furnishing meals or food; to restrain, license and regulate saloons, and to regulate and prescribe the location thereof;
License of butchers, and the sale of provisions.	<i>Fifty-sixth</i> , To license and regulate butchers; to license and regulate or suppress hucksters, and to license and regulate the keepers of shops, stalls, booths, or stands at markets or any other place in said city for the sale of any kind of meat, fish, poultry, vegetables, food or provisions;
Billiard tables and pin alleys.	<i>Fifty-seventh</i> , To tax and regulate keepers of billiard tables, pin alleys, nine or ten pin alleys, but not for the purpose of gaming;
Inspectors of weights and measures.	<i>Fifty-eighth</i> , To appoint one or more inspectors, measurers, weighers and gaugers of articles to be measured, inspected, weighed and gauged; to prescribe and regulate their powers and duties, fees and compensation;
Inspection of wood, lumber, hay and provision.	<i>Fifty-ninth</i> , To direct and regulate the inspecting and measuring of wood, lumber, shingles, timber, posts, stones, heading and all building material; the inspecting, measuring and weighing of coke and all kinds of coal; the inspecting and weighing of hay, the inspecting of vegetables, meats, fish and all other food or provisions to be sold at wholesale or retail; the inspecting and weighing of flour, meal, pork, beef and all other food or provisions, and salt, to be sold in half barrels, barrels, casks, hogsheds, boxes, or other packages: <i>Provided</i> , That nothing herein contained shall be construed to authorize the inspecting, measuring, weighing or gauging of any article herein enumerated which is to be shipped beyond the limits of this State, except at the request of the owner thereof, or of the agent having charge of the same;
Proviso.	

*Sixtieth*, To regulate the weights and measures to be used in said city, and to compel every merchant, retailer, trader, and dealer in merchandise, groceries, provisions, or property of every description which is sold by measure or weight, to use weights and measures to be sealed by the city sealer, and to be subject to his inspection and alteration, so as to be made conformable to the standard of weights and measures established by the general laws of this State; Regulating and sealing of weights and measures.

*Sixty-first*, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing in cars or any other mode to said city, from any other place, any pauper or other person likely to become a charge upon said city, and to punish therefor; Paupers.

*Sixty-second*, To provide for the burial of strangers and poor deceased persons; Burial of poor.

*Sixty-third*, To erect and provide for the erection of a city hall and all needful buildings and offices for the use of the corporation, or of its officers, and to control and regulate the same; Erection and control of city buildings.

*Sixty-fourth*, To establish, organize and maintain an almshouse department, and to purchase the necessary grounds, erect and provide for the erection of the necessary buildings therefor, either within or without the city limits, and to appoint the necessary officers therefor and provide for the government thereof; Almshouse.

*Sixty-fifth*, To establish and build jails, workhouses and houses of correction for the confinement of offenders; to erect and provide for the erection of the necessary buildings therefor, and control and regulate the same; to appoint all necessary officers for taking charge of the same, and of persons confined therein; to prescribe their powers and duties, and provide for their removal from office, and the filling of vacancies; Jails and workhouses.

*Sixty-sixth*, To provide for the imprisonment and confinement in said jails, workhouses and houses of correction, or in the common jail of the county of Kent, at hard labor or otherwise, all persons liable to be by law imprisoned under this act, or under any ordinance of said common council, whenever convicted of a violation thereof by any court having jurisdiction of the same; Imprisonment for violation of ordinances.

*Sixty-seventh*, To prescribe and regulate the speed of cars and engines on railroads within the limits of said city, and to prohibit railroad cars from standing across or otherwise obstructing the streets thereof; Speed of cars.

*Sixty-eighth*, To authorize the granting, issuing and revoking of licenses in all cases where licenses may be granted and issued under this act and the ordinances of the common council; to direct the manner of issuing and registering the same, and by what officer they shall be issued or revoked, and to prescribe the sum of money to be paid therefor into the treasury of the corporation. No license shall be granted for more than one year, and the person receiving the same shall, before the issuing thereof, execute a bond to the corporation in such sum as the common council may prescribe, with one or more suffi-

cient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the common council, and otherwise conditioned as the common council may prescribe. The officer authorized to issue said license may inquire into the sufficiency of the sureties in such bonds by an examination under oath as to their property and responsibility, which oath may be administered by such officer;

Levying and  
assessing taxes  
for State pur-  
poses.

*Sixty-ninth,* To assess, levy and collect taxes for the purpose of the corporation upon all property made taxable by law for state purposes, which taxes shall be a lien upon the property taxed until paid; and to provide means for carrying into effect the powers herein conferred; to make regulations for assessing, levying and collecting said taxes, and to sell the property taxed to pay the taxes thereon;

Appropriating  
money.

*Seventieth,* To appropriate money, provide for the payment of the debt and expenses of said city, and make regulations concerning the same, subject to the provisions of this act;

Punishing  
offenders.

*Seventy-first,* To provide for the punishment of all offenders for violations of, or offenses against this act, or any ordinance of the common council enacted under this or any other act of the legislature, by holding to bail for good behavior by imposing fines, penalties or forfeitures and costs, or by imprisonment in the common jail of the county of Kent, or any jail, workhouse, house of correction or almshouse of said city, or the State House of Correction at Ionia, in the discretion of the court or magistrate before whom a conviction may be had. If only a fine, penalty, or forfeiture, with the costs, be imposed, the offender may be sentenced to be imprisoned until the payment thereof, for a term not exceeding six months. All punishment for offenses against the ordinances of the common council shall be prescribed in the ordinances of the common council, shall be prescribed in the ordinance creating or specifying the offense to be punished, and no penalty, fine or forfeiture shall exceed five hundred dollars, and no imprisonment shall exceed the period of one year;

Employment of  
persons im-  
prisoned.

*Seventy-second,* To provide for the employment of all persons confined for the non-payment of any fine, penalty, forfeiture or costs, or for any offense under this act, or any ordinance of the common council, in the common jail of the county of Kent, or in any jail, workhouse, house of correction or almshouse of said city, at work or labor, either within or without the same, or upon the streets of said city, or any public work under the control of the common council; to allow any person thus confined for the non-payment of any fine, penalty, forfeiture or costs, to pay and discharge the same by such work or labor, and to fix the value and rates of such work and labor;

Printing and  
publishing.

*Seventy-third,* To provide for printing and publishing all matters required to be printed and published under this act, or by order of the common council, in such manner as said council may prescribe;

Good order.

*Seventy-fourth,* To provide for maintaining the peace, order and good government of said city;



*Seventy-fifth*, To provide for the taking of a census of the inhabitants of said city, whenever the common council may see fit, and to direct and regulate the same; Census.

*Seventy-sixth*, The common council shall have power, by a concurrent vote of two-thirds of all the members elect, to purchase and sell real estate for the use of said corporation, for corporate purposes; they shall also have power to purchase and control land for cemeteries, parks, boulevard, sewers, pest-houses, hospitals and almshouse purposes, within or without the corporate limits of said city. Purchase and sale of real estate.

*Seventy-seventh*, The common council shall have power to regulate and license telephone companies, telegraph companies, electric lighting companies, gas companies and to prescribe certain rules for the regulation thereof; and said common council shall also have power in granting any franchise whatever to any individual, individuals, corporation or company to insert in such franchise that the party, company or corporation obtaining the same shall pay to said city yearly on the gross receipts a sum not exceeding five per cent thereof. Regulating, licensing telegraph and telephone companies, etc.

SEC. 21. No person shall engage in or exercise the business or occupation of hotel or tavern keeper, inn holder, common victualer, or saloon keeper, within the limits of said city, until he is first licensed as such by the common council by a two-thirds vote of all members elect thereof, and under such penalty as the common council by ordinance may prescribe, and all persons who shall keep a bar or who [shall] sell beverages by the cup or glass shall be deemed saloon keepers within the meaning of this act, and be required to take license as such: *Provided*, That nothing in this act shall be construed as licensing the sale of intoxicating liquors as a beverage. Hotel, saloon, and other licensed. Provide.

#### TITLE IV.

SEC. 3. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws, or police regulations of the city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act. The alderman in each ward, after the annual election in April, eighteen hundred ninety-six, shall represent their several wards upon the board of supervisors of the county, and perform all the duties pertaining to supervisors of the townships upon such board, and shall have all the rights, privileges and powers of the several members of such board of supervisors. They shall select and return lists of grand and petit jurors to the clerk of the county in the same manner and within the same time as the like duty is required to be performed by township officers. Such aldermen shall receive like Duty of alderman.

Duty of ward supervisors.

compensation, as supervisors in townships, for the performance of the services above mentioned. The ward supervisors in office at the date this act takes effect shall, until the expiration of their term of office for which they were elected, continue to act as members of the board of supervisors of the county of Kent, after which date the ward aldermen shall be such supervisors from the wards as above specified, and perform all the duties pertaining to their offices, except that when a board of assessors shall be appointed, said supervisors shall cease to perform such duties as are conferred on said board of assessors and heretofore performed by said supervisors.

Authority of mayor and aldermen in criminal cases.

SEC. 4. The mayor, marshal and aldermen, by virtue of their respective offices, shall be conservators of the public peace, and as such shall each have and exercise all the power and authority of justices of the peace in criminal cases, and in enforcing the laws of this State relating to the police thereof, but shall have no jurisdiction of civil cases, other than such as by this act shall be expressly conferred upon them, or either of them. The aldermen of said city shall be exempt from sitting as jurors in any of the courts of this State during their term of office.

Aldermen to be exempt from jury duty.

Accounts to be verified by affidavit.

SEC. 8. The accounts and demands of all persons against the city shall be verified by affidavit, and shall set forth the items thereof in detail, which affidavit may be taken and verified by any member of the common council or by the comptroller, but no accounts against said city shall be paid by the common council, except as in this act otherwise provided, until the said accounts shall have been examined and recommended by the comptroller. If any claim for unliquidated damages against said city for injuries to persons or property, by reason of any defect in sidewalks, streets, crosswalks, bridges, alleys, or other public places in said city, or in any action of tort against said city, such claimant shall present the same to the common council within sixty days after the injury or wrong occurred, which claim shall state the place where the injury was received, the names of the witnesses then known to the claimant and a description of the injury sustained and a succinct statement of the facts constituting such claimant's demand against said city and such further statement as may be required by said common council and any such claim shall be void unless such claimant shall bring an action against said city for such demand within a period of one year from and after said council has had a reasonable time to investigate and pass upon such claim, which time shall not exceed a period of thirty days. It shall be a sufficient bar and answer to any action or proceeding in any court for the recovery of any such demand or claim against said city that such claim has never been presented to the common council, or has not been presented within the time above limited or that the action or proceeding was brought before said council had such reasonable time as hereinbefore stated to investigate and pass upon such claim, or that such suit was not brought within the period of one year as above stated, after the time had elapsed for the

Claims against the city for damages.

council to investigate and pass upon such claim as hereinbefore stated.

Sec. 11. The treasurer shall receive all moneys paid in for school purposes, and all moneys belonging to the city, except such as are in this act required to be in the keeping of some other officer, and shall deposit the same daily in the depository or depositories of the city, selected and designated by the common council, and shall take his or their vouchers therefor in duplicate, filing one of said vouchers with the comptroller of said city, and filing the other of said vouchers in the office of said city treasurer. Said treasurer shall keep an account of all receipts and expenditures of said city, in such manner as the common council shall direct, in proper books of account to be provided by said city; which said books of account shall be the property of said city, and constitute part of the public records of said city. The books required to be kept by such depository or depositories shall, at all times during the business hours of the day be open and subject to be inspected by any member or members of the common council, the city treasurer, the comptroller or city attorney. The common council shall have power to contract with any safe and secure banking institution or institutions in said city for a period not exceeding three years for the safe keeping of the public moneys belonging to, or in the custody of said city, and for the payment of interest thereon, at a rate not exceeding that established by law upon such moneys of the city or in its custody deposited with such banking institution or institutions and to be drawn therefrom on account current by said city through its proper officer or officers, which said interest shall belong to and be credited to the general fund of said city. Every contract with a banking institution shall contain an agreement authorizing the common council, whenever it shall deem the interests of the city require it, to terminate such contract and withdraw the money deposited, and in case of such termination the books required to be kept by such depositories shall be delivered into the custody of the city clerk by such depository. The common council of said city by ordinance, resolution or otherwise, may make such rules and regulations, and prescribe such conditions relative to the letting of such contracts with such depository or depositories, the drawing upon said moneys so deposited, and the securities to be given by such depository or depositories, as to said common council may seem just, and for the best interest and security of the said city, not inconsistent with the provisions of this act. The depository or depositories so designated by the common council, shall keep an account in a set of books of all moneys belonging to, or in the custody of said city, deposited with such depository or depositories, such books to be provided by said city, and to belong to said city, and to constitute a part of the public records of said city, and to be by the outgoing depository or depositories delivered to the depository or depositories succeeding to the trust. Such depository or depositories shall report, in writing, monthly to the common

Receipts and expenditures of money by the treasurer.

Books to be kept open for inspection.

Council to have power to contract with banking institutions for safe keeping of all moneys.

Contracts, what to state.

Council to make rules and regulations governing contracts.

Depositories to keep an account in a set of books furnished by city.

To constitute a part of the public records.

To advertise for  
sealed proposals.

Power of council  
to award the  
deposit of city  
money.

All money shall  
be drawn by  
warrant.

Controller to  
keep separate  
account of all  
expenditures  
and orders  
drawn on the  
treasurer.

City clerk to  
draw warrant  
or check for  
amount of dam-  
ages allowed.

council of said city, the amount of the moneys belonging to, or in the custody of said city, then on deposit with said depository or depositories. The common council of said city shall, on the second Monday in April next preceeding the termination of any existing contract, or within ten days thereafter, advertise in the official paper of said city, for a period of at least one week, after the first insertion of such advertisement, for sealed proposals from the banking institutions in said city, for the highest rate of interest obtainable from such banking institutions on daily balances of moneys belonging to said city, or in the custody of said city, and the lowest rate of interest to be paid by said city for such temporary loans as the said city shall have power to make. The common council shall have power to award the deposit of the city moneys, in such quantity or quantities as may be for the best interest of said city, and of all moneys lawfully in the custody of said city, to such safe and secure banking institution or institutions within said city, as shall offer the best terms in answer to such advertisement for proposals, and shall require such depository or depositories to give suitable bonds, in such penalty as the common council may determine, and with such sureties as the common council may approve, before any transfer of such city moneys be made to such depository or depositories. In case no agreement is entered into for depositing the money of the city, or in case such agreement is terminated, and at any time there shall be no such depository or depositories, the city treasurer shall receive and retain in his hands all moneys belonging to the city and which shall come to his hands, and shall pay the same out upon warrants drawn upon him as provided by law. All moneys drawn from the city depository or depositories for city purposes shall be drawn by warrants, designating the depository, signed by the clerk and countersigned by the comptroller of said city. All warrants drawn upon the city treasurer for city purposes, shall be drawn in pursuance of an order from the common council, which warrants shall be signed by the clerk of said city and countersigned by the comptroller of said city, and every such warrant shall specify for what purpose the amount named therein is paid, and out of which particular fund payable, and the comptroller shall keep an account, under appropriate heads, of all expenditures and of all orders and warrants drawn upon the treasurer in suitable books, to be kept by him for that purpose, which books shall be furnished by, belong to, and be part of the public records of said city. On the order of the common council, it shall be the duty of the clerk of said city, after the expiration of at least twenty-four hours next following any regular or special session of the common council of said city, at which any claims or demands against the city have been duly allowed, to draw a warrant or check on the city depository or depositories, designated by the council for the aggregate sum of all claims and demands against said city, allowed at any such regular or special session of said common council; which said warrant or check for such aggregate sum shall be signed by

said clerk, and countersigned by the comptroller of said city, and payable to the order of the treasurer of [said] that city: *Provided, however,* That no item or items, to the allowance of which by said common council, the mayor of said city may, in the manner in this act provided, have interposed his veto, shall be included in any such aggregate, or in the warrant or check drawn therefor; nor shall any item or items of such claims or demands for the payment of which there are not sufficient funds in the treasury, out of which they may lawfully be paid, to meet the same, be included in such aggregate, or in such warrant or check. The city treasurer shall draw from the city depository or depositories the amount called for by such warrant or check, and use the same to pay the claims and demands, in the manner in this act provided, allowed by said common council at such regular or special meeting, and included in the aggregate of such warrant or check. The clerk of said city shall, on the first regular meeting of the common council of said city in each month, report in writing, to said common council, the amount of all warrants so, as aforesaid, drawn by him upon the treasurer of said city, which have not been called for within thirty days after the countersigning of such warrants, together with the name of the person to whom each of said warrants was payable, and out of what city fund payable. Upon the receipt of such report the said common council shall have power to order the cancellation of such warrants not so called for, and instruct the treasurer of said city to forthwith deposit in the depository or depositories designated by the council of said city the aggregate amount of the warrants covered by such monthly report. The city treasurer shall in respect to the school moneys received by him, perform all the duties and be subject to all the liabilities that the township treasurers of the State are by law subject to, in respect to the keeping and paying out of moneys collected for school purposes. The books and accounts of the city treasurer shall be open to the inspection of any elector of said city. The treasurer shall exhibit to the common council in the month of April in each year, a full and fair account of the receipts and expenditures of the said city, and of the moneys of said city, coming into his hands by virtue of his office, since the date of the last annual report of the city treasurer, and also the state of the treasury of said city, which account, if found correct, shall be filed in the office of the city clerk. The treasurer shall keep an office, which shall be provided and furnished for him by said city, and he shall devote his whole time to the duties of his said office. The common council of said city shall, when in their opinion necessary, and upon the written recommendation and nomination of the treasurer of said city, appoint and furnish for the treasurer of said city such deputies, assistants and clerks as may from time to time be necessary for the proper discharge of his duties, and said common council shall fix the compensation of every such deputy, assistant or clerk so employed, at the time of such employment, and

Provided.

Treasurer to draw from depository amount of warrant or check and pay claim and demands.

Clerk to report to council amount so drawn.

School moneys.

Books and accounts.

Exhibit of accounts to council.

Treasurer to devote his whole time to the duties of his office. Council to appoint deputies, clerks and assistants.

Council may re-  
quire additional  
bonds.

prescribe the term of employment. The common council are hereby authorized to require new or additional bonds or security from the city treasurer, and from the depositories of the money belonging to the city at any time or times when they shall deem the interest of the city requires it should be done, to protect the city against loss, or the risk of loss, of moneys deposited or to be deposited with such treasurer or city depositories.

City attorney  
and counselor,  
duties of.

SEC. 12. The city attorney shall conduct and try all cases wherein the city or board of education is a party, in any court of record in this State, or in the circuit courts of the United States, and shall perform such other duties as usually devolve upon an attorney and counselor at law connected with the business of the city. He shall also perform such duties of a professional character, and exercise such powers connected therewith as shall be assigned to him by the common council. He shall be the legal adviser of the common council and the officers of said city, and of the several boards thereof, and of the board of education of said city, and in general shall have charge of the law department of said city. The common council shall provide and suitably furnish for him an office and such clerical assistance as may from time to time be necessary. Upon his appointment to said office, or as soon as necessary thereafter, he may appoint an assistant city attorney and may remove said assistant at will and the salary of the assistant city attorney shall be fixed and determined annually by the common council. The common council shall provide and suitably furnish for said assistant city attorney an office. Such assistant shall perform such duties as shall be assigned to him to perform by the city attorney or by the common council.

May appoint an  
assistant.

Board of poor  
commissioners,  
duties of

SEC. 31. The board of poor commissioners shall perform such duties as are required by law of directors of the poor of the various townships, and the members of said board shall receive no salary or compensation. The board of poor commissioners shall have authority to employ and remove such assistants, and at such compensation as may be deemed necessary by said board, and pay for said services in the same manner as employees of the board of police and fire commissioners in the city of Grand Rapids are paid.

Salary and fees  
of city officers

SEC. 33. The common council shall annually determine the salary or compensation to be paid to the several officers of the said city within the limitations hereinafter prescribed and which limitation shall be as follows, to wit: To the city clerk, two thousand five hundred dollars per annum; to the deputy city clerk, one thousand two hundred dollars per annum; and all fees and perquisites prescribed by law shall be collected by said clerk and his deputy, and paid into the general fund of said city for the use and benefit of said city; to the city treasurer, two thousand five hundred dollars per annum; to the city marshal for all services performed, one thousand three hundred dollars per annum; to the mayor of said city, one thousand two hundred dollars per annum; to the comptroller of said city, one thousand six hundred dollars per

City clerk.

Deputy clerk

City treasurer.

City marshal.

Mayor.

Comptroller.

annum; to each of the aldermen of said city, three hundred and fifty dollars per annum; to the attorney of said city, two thousand five hundred dollars per annum, and all costs recovered in any suit in which the city is a party, and all perquisites of office shall be paid by the said city attorney into the general fund of said city for the use and benefit of said city; and to the city physician, one thousand two hundred dollars per annum, said salaries to be fixed by an affirmative vote of at least two-thirds of all the aldermen elect of said city, and the common council may establish and prescribe such fees or salaries to be paid to all other officers of said city whose fees or salaries are not prescribed by law for services performed for said city in all cases where such fees or salaries are to be paid by said city. The clerk of the board of health of said city shall receive for his services a salary not exceeding nine hundred dollars per annum, to be fixed by the said board of health. The clerk of said city is hereby authorized to administer all oaths required to be administered by the provisions of this act, but shall receive no compensation from said city therefor.

Aldermen.

City attorney.

City physician.

Other officers.

Clerk of board of health.

SEC. 35. Each person appointed inspector of highways, as provided by the charter of the city of Grand Rapids, shall execute a bond to said city in the amount of one thousand dollars, with at least two sufficient sureties to be approved by the common council of the said city for the faithful performance of the duties of his office and for the faithful accounting of all moneys belonging to said city which may come into his hands.

Inspectors of highways to furnish bonds.

## TITLE V.

SEC. 12. Every tax levied or imposed by authority of the common council, or of this act, except where otherwise provided shall constitute a charge against the person or persons to whom assessed from the date of the delivery of the city tax rolls to the city treasurer; and shall, together with all interest and charges, become and remain until paid, a lien upon the lands and tenements against which the same are assessed on and after the said day of the delivery of such roll to the city treasurer; and every such tax levied and imposed against personal property shall constitute a charge against the person or persons to whom assessed and shall, together with all interest and charges, become and remain, until paid, a lien against such personal property, from and after the fifteenth day of August, and shall take precedence over any sale, mortgage or assignment, or other lien on such property; and all provisions of law respecting the return and sale of property for non-payment of taxes for State, county, school and township purposes, shall apply to the return and sale of property for the non-payment of such city, highway, sewer and other municipal taxes, except as herein otherwise provided. The treasurer of Kent county shall on demand, and as fast as the same are received, pay over to the said city treasurer, the full amount of all city, highway, sewer and other municipal taxes returned

Taxes a lien on property.

County treasurer to pay over to city treasurer full amount of certain taxes as collected.

delinquent for non-payment, received by such county treasurer, together with the four per cent collection fees thereon. And he shall also, as soon as the same are received by the said county of Kent, pay over to said city treasurer the net proceeds of the sale of all property so returned delinquent for the non-payment of taxes on such city tax rolls. All interest and fees on the taxes aforesaid, collected or received by said treasurer, shall belong to said city, and shall by him, when received, be paid into the general fund of said city.

Council may  
borrow money,  
purpose of,

SEC. 28. The common council may, during the municipal year of eighteen hundred ninety-five and eighteen hundred ninety-six, borrow, on the faith of the city, a sum not exceeding two hundred thousand dollars, for the purpose of repaying the overdrawn funds and paying the floating indebtedness, and also paying that portion of the running expenses and liabilities of said city for said municipal year, which, for any reason, the revenues thereof shall not be sufficient to meet; for a term of years not exceeding ten, at a rate of interest not exceeding five per cent per annum; and for such purpose may issue the bonds of the city, signed by the mayor and countersigned by the comptroller thereof, and in such form and sums as the common council may direct; and said bonds shall be disposed of under the direction of the common council of said city, upon such terms as may be advisable, but not for less than the par value thereof, and the avails thereof shall be applied to the purposes in this section mentioned, and for no other purpose whatever.

Bonds.

## TITLE VI.

Assessment roll  
evidence of  
regularity of  
proceedings.

Assessment a  
lien on prem-  
ises.

SEC. 10. Every assessment roll so ratified and confirmed by the common council, as aforesaid, shall be final and conclusive and *prima facie* evidence of the regularity and legality of all proceedings prior thereto, and the assessments therein contained shall be and continue a lien on the premises on which the same is made, except that such lien shall not attach to the road bed, right of way or other premises of any duly incorporated railroad or railway corporation which are necessarily used in operating its corporate franchise, and a certified copy of the assessment roll, so confirmed as aforesaid, as provided for in section three of this title, shall, unless otherwise ordered by the common council, be delivered by the city clerk to the treasurer of the city, who shall take his receipt therefor and endorse thereon the time of such delivery. The treasurer shall thereupon give notice by publication, for at least twenty days, in two newspapers published in said city, of the receipt of such assessment roll, and that the same will remain in his office for the space of twenty days after the first publication of said notice, during which time he will receive the payment of such assessments without extra charge; and said treasurer shall give a receipt to all persons who shall pay their assessments to him before the expiration of said twenty days, and shall

Roll delivered to  
city treasurer.

Notice of time  
of receiving  
payment.



endorse the same so paid to him on such roll. Immediately after the expiration of said twenty days said treasurer shall cause to be served on each person, firm or corporation whose name appears on said roll as not having paid the tax assessed against them within the twenty days above named, a written or printed notice, or partly written and partly printed notice, specifying the amount of the tax assessed against them with two per cent added for collection fees, and giving notice that after the expiration of thirty days from the date of said notice a further sum of three per cent on the original tax will be added to all taxes remaining unpaid on said roll as a collection fee. When, for any reason, personal service of said notice cannot be had it shall be sufficient to send the same through the mail with postage prepaid thereon, directed to the person assessed. The treasurer of said city shall attach to each roll a certificate that the notice above required has been served. It shall be the duty of the city treasurer to add the above sum of two per cent to the original tax on all sums not paid within twenty days, and the further sum of three per cent on the original tax on all sums not paid within thirty days thereafter, and the same shall be and remain a part of the assessment. At the time of the delivery of the roll to the city treasurer the mayor shall attach his warrant thereto, commanding the city treasurer to collect the assessments therein contained, together with the fees hereinbefore prescribed, within ninety days from the date thereof, and further commanding and authorizing said treasurer, when he may deem it necessary so to do, to levy and collect the same by distress and sale of any personal property belonging to the person, corporation or company against whom such assessment or tax is made, and found within the corporate limits of the city of Grand Rapids, in like manner as general State, county and municipal taxes are collected out of personal property within the corporate limits of said city: *Provided*, That said treasurer shall not, in the first instance, be required to search for and levy upon personal property, but said original tax or assessment, together with the fees thereon, shall continue to be a lien upon the premises assessed, except that such lien shall not attach to the road bed, right of way or other premises of any duly incorporated railroad or railway corporation which are necessarily used in operating its corporate franchise, and may be returned by said treasurer in the manner provided for in section twenty-eight of this title. Said treasurer shall deposit all assessments, taxes and fees so collected by him, daily in the city depository or as the common council shall direct, and shall proceed in the collection thereof as directed by this section. In the case of assessment rolls for street improvements or the construction of sewers under the provisions of section three of this title, and where the assessments therein are divided into equal parts and are payable in installments, under the provisions of section three of the title, said warrant shall command the collection of the several installments of said assessment, as the same shall have been divided in said assessment roll, and the treasurer's notice, in this sec-

After expiration of twenty days treasurer to give notice.

Percentage for collecting.

Treasurer to attach certificate to roll.

Mayor to attach his warrant.

Collect by distress and sale.

*Provided*.

Treasurer shall deposit daily all taxes and fees collected.

All fees received by treasurer shall belong to city and be paid into city fund.

tion provided for, shall correspond thereto. All fees received by the treasurer in conformity with the provisions of this act or other provisions of the charter of the said city of Grand Rapids, shall belong to said city, and be paid into the city treasury or depository, to the credit of the general fund of said city.

## TITLE VIII.

Board of poor commissioners, power and authority of.

SECTION 1. The board of poor commissioners appointed for said city, as hereinbefore provided, shall be the commissioners of the poor of said city, and shall possess all the power and authority of directors of the poor of towns in this State, in relation to the support and relief of indigent persons, the binding out of children who shall solicit alms, or who, or whose parents, shall become chargeable to the said city, or to the county of Kent, in said city, the safe keeping and care of lunatics, the care of habitual drunkards, the binding out and contracting for the service of disorderly persons, the support of bastards, and all such other powers as are conferred on directors of the poor in the respective towns, and shall be subject to the same duties, obligations and liabilities: *Provided*, The board of poor commissioners may make such rules and regulations relative to the support of the poor of said city, and adopt such system for the support and care of the poor therein as they may deem best, and they may delegate to their employes or employes such duties as they may prescribe, the performance of such duties by such employes to be subject to revision by the board. The board of poor commissioners shall have the power and it shall be their duty to make purchases of such supplies and other materials, and expend such money as they may deem necessary for the proper administration of the matters placed under their charge; such money so expended, and all money expended to be raised and paid in the same manner as that used or disbursed by the board of police and fire commissioners of the city of Grand Rapids. The board of poor commissioners shall have the power to impose a labor test on persons asking for assistance from the city, requiring them to perform such labor for the city of Grand Rapids or otherwise, whenever said board may deem it advisable, such labor so performed to be considered as compensation for the assistance which may be furnished such persons.

Proviso.

Board to purchase supplies.

Board to have power to impose labor test.

## TITLE XI.

### BOARD OF ASSESSORS.

Board of assessors.

SECTION 1. There shall be three assessors within the corporate limits of the city of Grand Rapids as provided by the charter of said city, who shall be known as "The board of assessors of the city of Grand Rapids," and each of whom shall hold his office for the term of three years, except as hereinafter spe-

Term of.

cially provided, and until his successor is duly appointed and qualified, and whose powers and duties shall be as hereinafter provided. Such assessors shall devote their whole time to the service of the city of Grand Rapids in connection with the duties of their office, and shall not be engaged in any other business while holding the office of assessor, and shall each receive as compensation therefor the sum of not to exceed one thousand eight hundred dollars per annum, as shall be fixed annually by the common council of said city, payable monthly out of the same fund and in like manner as other city officers are paid. The member of the said board of assessors whose term of office shall soonest expire shall be the president thereof. Such board of assessors shall have an office furnished to it by the city of Grand Rapids, in the city hall of said city.

To devote their whole time.

Compensation.

President.

Shall be furnished an office.

SEC. 2. Said board of assessors shall before the second Monday in April in the year eighteen hundred and ninety-six, and every fiscal year thereafter, assess, at its true cash value, all the real and personal property subject to taxation by the laws of this State, within the corporate limits of each ward of said city, and shall, within the same period, make and complete the assessment rolls for each ward in books to be provided for the purpose by the common council of said city to be delivered to said board of assessors on or before the first day of November in each year.

To assess, make and deliver assessment rolls.

SEC. 3. The said board of assessors shall have power and authority to demand of every person owning or having charge as agent or otherwise, of any taxable property in any ward of said city, a list of all such property with such descriptions as will enable it to assess the same, which demand may be printed or in writing, to be delivered to such person personally, or by leaving the same at his place of abode with some suitable person of proper age and discretion. If such list is not furnished by such person, or if any property in such ward is omitted from such list, then said board of assessors shall have power, and it shall be its duty, to place upon such assessment roll such property to be assessed, as said board of assessors, in using its best knowledge and information, shall deem liable to assessment.

Power and authority of board in assessing property.

SEC. 4. After said assessment shall have been completed by said board of assessors, it shall be its duty to cause notice to the taxpayers of said city, to be published in the two official daily newspapers in said city for ten days prior to the first Monday in April in each year, that the assessment rolls have been completed, and that any person considering himself aggrieved by reason of any assessment may complain thereof, either verbally or in writing, before said board of assessors, stating where it will sit to hear said appeals, and on sufficient cause being shown to said board of assessors, it shall review the assessment complained of and alter or correct the same as to the persons charged thereby, the property described therein, and the estimated value thereof, and in deciding such questions the concurrence of a majority of the board of assessors shall govern. After having completed the review and correc-

Board to give notice to taxpayers when assessment is completed. To be published in daily newspapers. Persons considering themselves aggrieved.

After completing review and correction of roll, to be returned to council.  
Board empowered to employ clerical assistance.

tion of said assessment rolls the said board of assessors shall sign the same and add thereto its certificate that the same have been duly completed; and on or before the fourth Monday in April in each year return the same to the common council of said city. Said board of assessors in performing its duties required of it in this act, shall have power to employ such clerical assistance as it may deem necessary, and as it shall be empowered to do by the common council of said city, at a compensation to be fixed by the said common council, to be paid out of the contingent fund of said city.

Council acting as board of review to consider grievances.

SEC. 5. After receiving said assessment roll from the said board of assessors, said common council, acting as a board of review, shall, at its next regular session and at such other sessions as may be necessary, proceed to consider the same, and any person conceiving himself aggrieved by the assessment of his property and the decision of the said board of assessors thereon, may appeal to said common council, acting as such board of review. Every such appeal shall be in writing and shall state specially the grounds of the appeal and the matters complained of, and no other matter shall be considered by said common council acting as such board of review; and the said common council acting as such board of review shall have the power to administer oaths and examine witnesses, the same as now provided for the supervisors of townships in this state, or as at any time hereafter may be conferred on supervisors of townships by the general tax laws of this State or upon township boards of review: *Provided*, That no appeal shall be entertained by said common council acting as such board of review, unless the same shall have first been brought to the attention and consideration of said board of assessors. Whenever said common council shall sit as such board of review, said board of assessors shall be notified and it shall be the duty of each assessor to attend such session or sessions, and each shall answer such questions as may be put to him by said common council, acting as such board of review, and make such suggestions as each may desire relating to the matters under advisement by such board of review.

*Provided*.

Assessors to attend when council shall sit as board of review.

Council to hear and determine appeals, and correct clerical errors.

SEC. 6. The common council, acting as such board of review, shall hear and determine all appeals in a summary manner, and correct any clerical error which it may discover in the assessment roll, and may place thereon the names of any persons and the description of any property not already assessed, and may assess the same.

No assessment shall be increased or property added to roll without notice to persons affected.

SEC. 7. No assessment shall be increased or property added to said assessment rolls, except on written or printed notice to the person to be effected thereby. Such notice shall, in case of a resident of said city, either be served personally upon him, or by leaving the same at his place of abode with some suitable person of proper age and discretion at least three days before any such action is taken thereon by said common council, acting as the board of review: *Provided*, That in case of a non-resident in said city such notice shall be published in the two official newspapers of said city at least three days before any

*Provided*.

action is taken by such common council acting as such board of review.

SEC. 8. The said common council, acting as such board of review, may continue the consideration of said assessment rolls and the hearing of such appeals from session to session, not exceeding fifteen days from the time when the same are first taken under consideration as above provided, and a vote of two-thirds of the members of such acting board of review shall be necessary to change any assessment made by said board of assessors on which an appeal has been made. On or before the expiration of said fifteen days said assessment rolls shall be fully and finally confirmed by said common council, acting as such board of review, and shall be and remain as the basis of all taxes to [be] levied and collected in the said city of Grand Rapids, according to the property valuation, until another assessment shall have been made and confirmed, as above provided for: *Provided*, That in finally passing upon said assessment rolls a majority vote of the members of said common council, acting as such board of review, shall be sufficient to confirm the same; and in case of a tie vote the mayor of said city, who is hereby authorized and empowered in all cases to preside over said common council, while acting as such board of review, shall have the deciding vote thereon, but in no other case shall the mayor have a vote while the said common council is acting as a board of review.

Board may continue consideration of appeals from assessment roll from session to session not to exceed 15 days.

To be confirmed as the basis of all taxes levied.

*Provided*.

In case of a tie, mayor to have the deciding vote.

SEC. 9. The city clerk of said city of Grand Rapids shall be clerk of said common council, while acting as such board of review, and shall keep the records of its sessions and its proceedings and such other records as are necessary to be kept, and it shall be his duty to attach his certificate under the seal of the city of Grand Rapids, to said assessment rolls, after the same shall have been finally confirmed by said common council, acting as such board of review, certifying that such assessment rolls have been acted upon and confirmed by said common council, acting as such board of review, and thereupon it shall be his duty to redeliver said assessment rolls to said board of assessors.

City clerk to be clerk of the council while acting as board of review.

To attach his certificate under seal to the assessment roll.

SEC. 10. It shall be the duty of the common council of said city, on or before the second Monday of May in the year eighteen hundred and ninety-six, and on or before the second Monday in May in each year thereafter, to determine by resolution the amount necessary to be raised for city, highway, sewer, and all other municipal purposes, for which said city may legally raise money by tax within said city for the ensuing year ending July thirty-first of each year, and it shall be the duty of the clerk of said city, to certify under his hand and the seal of said city, the amount to be raised, to the comptroller of said city, within five days thereafter, and it shall be the duty of the said comptroller to apportion the amount so to be raised among the several wards of said city according to the property valuation appearing on the assessment rolls of the several wards of said city as finally confirmed by the common council of said city,

Duty of council by resolution to determine amount to be raised, purpose of.

Clerk to certify to comptroller amount to be raised.

Duty of comptroller.

acting as such board of review, and also to certify to the board of assessors, the amount so apportioned to the said respective wards, within five days thereafter, and file a copy of such certificate in his office, and thereupon the board of assessors shall proceed to assess and shall assess the amount so apportioned, as hereinafter set forth.

Board to cause the amount to be ratably assessed.

SEC. 11. After the said assessment rolls shall have been fully and finally confirmed, as aforesaid, and the amount of taxes to be raised have been certified to said board of assessors, as hereinbefore provided, it shall be the duty of the said board of assessors to make copies of said rolls as returned to it as aforesaid, and to cause the amount of all such taxes in dollars and cents authorized to be assessed and collected in each year, to be ratably assessed to each person therein named, or lots therein described, upon and according to the aggregate value such person or lots shall have been assessed in said assessment rolls. Said assessment rolls shall be known as "The city tax rolls" of said city, showing in separate columns the amount of the city, highway, sewer and other municipal taxes assessed to each person, real estate and personal property in each year; and when said assessment rolls shall have been completed, footed and balanced, which shall be on or before the twenty-eighth day of June of such year, the said board of assessors, after having duly signed and certified to the same, shall deliver to the comptroller of said city, the said city tax rolls, and said comptroller shall make an entry of the same and of the totals of all taxes assessed on each of said assessment rolls respectively in the books of his office, and he shall, on or before the first day of July thereafter, deposit said assessment rolls with the city treasurer of said city, take his receipt therefor and charge him therewith. After such assessment rolls have been delivered to said treasurer, as last above provided, all taxes upon the personal property assessed therein shall be and become an existing and continuing lien thereon.

To be known as the city tax roll.

To deliver to the controller.

To deposit with the treasurer.

Treasurer to give notice by publication and posting as a demand for payment of taxes.

SEC. 12. Upon receipt of the said city tax rolls by the said city treasurer, as hereinbefore provided, the taxes therein stated shall become a debt due and payable to the city of Grand Rapids; and the said city treasurer shall forthwith, upon the receipt of such city tax rolls, give six days notice by publication in the two official daily newspapers published in the said city, and also by posting the same in at least six public places in each of said wards of said city; which notices shall be a sufficient demand for the payment of all taxes assessed in said city tax rolls; that the same have been deposited with him and that payment of the taxes therein specified may be made to him at any time before the thirtieth day of December thereafter. That no addition will be made to taxes paid before the first day of August thereafter, but that an addition of one per cent on every unpaid tax will be made thereto on that day, and a like addition of one per cent on every thirtieth day thereafter until such addition shall amount to six per cent of such tax: *Provided, however,* That when a person shall, on or before the twenty-fifth day of July hand to

Percentage added.

Proviso.

the said city treasurer a list of the property on which he wishes to pay the taxes, and shall be unable to pay said taxes before the first day of August on account of a pressure of business in the said city treasurer's office, then he shall not be charged any percentage, if he pays said taxes by the tenth day of August of said year.

SEC. 13. On or before the first day of August in each year, and at any time until the taxes hereinbefore mentioned are paid, it shall be the duty of the city treasurer, and the clerks or subordinates in his office, designated by him for that purpose, to collect all unpaid taxes which are assessed against any property of whatever nature, other than on real estate; and, if necessary, the said treasurer and said clerks or subordinates, under the direction and in the name of said city treasurer, shall have power to levy upon and sell at public sale, any such property of any person refusing or neglecting to pay such tax. Duty of treasurer and clerks to collect all unpaid taxes. Whenever any such property is levied upon, as aforesaid, three days notice of any such sale shall be given by said treasurer, by publication in the two official daily newspapers of said city, and any surplus remaining after the payment of the tax and all interest and charges thereon, and all costs and charges of such sale shall be paid over to the owner of such property, or person entitled to receive the same, and the said treasurer shall have power, in the name of the city of Grand Rapids, to commence an action in assumpsit, or any other proper legal action, in any proper court, against any person neglecting or refusing to pay the same, and to whom such tax is legally assessed, and said treasurer shall use and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of the same, and the said assessment rolls shall be *prima facie* evidence of the indebtedness of such persons and the regularity of the proceedings by which said tax was assessed, and all personal taxes shall be a lien on all personal property of such person so assessed as aforesaid, from and after the date of placing the roll in the hands of the city treasurer for collection, and shall take precedence of any sale, assignment or chattel mortgage, levy or other lien on such personal property executed or made after said assessment rolls shall have come into the hands of the city treasurer as aforesaid, except where such property is actually sold in the regular course of trade.

SEC. 14. Upon the receipt of any tax the said city treasurer shall mark the same paid upon the proper roll and give a receipt therefor. Any person owning an undivided share or other part of real estate assessed in one description may pay on the part thus owned, by paying an amount having the same relation to the whole tax as the part on which payment is made has to the whole parcel. The person making such payment shall accurately describe the part on which he makes payment and the receipt given, and the record of the receiving officer shall show such description and by whom paid. Any person having a lien upon real estate may pay the taxes thereon, and the same may be added to his lien and recovered with the rate of interest borne by such lien. On the first day of January Power to levy and sell for refusal or neglect to pay tax. Upon receipt of any tax, treasurer to mark the same paid on the roll, and give receipt for same.

To add 6 per cent after January 1.

Treasurer to make a certified copy of unpaid taxes and deliver to clerk.

Notice of, to be published.

Who shall be liable for tax.

If default shall be made in paying, to be sold at public auction.

When treasurer shall cause sale of real estate for taxes.

Mayor to execute and deliver the proper deed of conveyance.

following the time when any tax shall become due and payable the city treasurer shall add to every such tax six per cent of the amount thereof, as stated in the rolls, and the amount of such tax and of such addition hereinbefore specified shall thenceforth be the unpaid tax and shall bear interest from said last named day at the rate of ten per cent per annum until paid, except as herein otherwise provided. On or before the fifteenth day of January, the city treasurer shall add to the assessment rolls of the unpaid tax of each ward an additional column which shall show the augmented amount of every such tax and shall make a certified copy of the roll containing all unpaid taxes of the several wards in a book furnished for that purpose, and deliver the same to the city clerk to be left in his office. Immediately after completing such assessment rolls, as last above provided, said treasurer shall cause a notice to be published in five successive numbers of the two official daily newspapers published in said city, stating that said assessment rolls of unpaid taxes have been made, and that they will remain in his office where such taxes may be paid until the first day of March following, after which the property against which such taxes are assessed shall be advertised and sold, as hereinafter provided.

SEC. 15. Owners, occupants or parties having legal interest in any real estate assessed under this act, shall be liable to pay every tax or assessment regularly made thereon, and if the same shall not be paid by the first day of March following the assessment of the same, it shall be the duty of the said city treasurer to cause a notice to be published in the official newspaper of said city once a week for four successive weeks, requiring the owners, occupants or parties having a legal interest in such real estate, to pay such assessment or tax, together with all interest and charges thereon, and that if default shall be made in paying the same such real estate will be sold at public auction on the day and time of day, and at the place to be specified in said notice, at the highest price for which any responsible person shall bid for the same, for the payment thereof, together with all charges and costs of sale.

SEC. 16. If the owners, occupants or persons having a legal interest in any such real estate do not pay such assessment or tax, together with all interest and charges thereon, within the period above prescribed for the publication of said notice, then it shall be the duty of said city treasurer to cause such real estate to be sold at public auction to any responsible bidder to pay said tax or assessment, together with all interest and charges thereon, and the costs and charges of said sale, and to execute the proper certificate of sale to the purchaser thereof. If there shall be a sum bid for such real estate in excess of the said tax or assessment, and of the interest and charges thereon, together with all costs and charges of sale, the excess thereof shall be deposited with the said city treasurer, to be disposed of as hereinafter provided. If such real estate shall not be redeemed within one year after such sale thereof, as hereinafter



provided, the mayor of said city shall, in the name of the said city, execute and deliver to such purchaser, or his assignee, the proper deed of conveyance of such real estate, which deed shall be *prima facie* evidence of the regularity of all proceedings under which such sale is made and said deed executed. The said deed shall be as follows: "Whereas, on the ..... Form of.  
day of ....., A. D. ...., at a public sale, made by the treasurer of the city of Grand Rapids for assessments duly assessed by the said city of Grand Rapids for the following purposes (stating the purpose for which the assessment was made): A..... B..... became the purchaser of the following described real estate, namely (describe real estate), for the sum of ..... dollars, that being the amount of the assessment, interest, costs and charges thereon. Now, therefore, know all men by these presents, that C..... D....., mayor of said city, in consideration of the premises, hereby grant, bargain, sell and convey unto the said A..... B....., his heirs and assigns, the real estate above described, as so purchased by him, to have and to hold the same to the said A..... B....., his heirs and assigns, forever.

Witness my hand and seal of the said city, this .....  
day of ....., A. D. ....

Signed, sealed and published in presence of

C..... D.....,

*Mayor of the City of Grand Rapids.*

In all sales of lands for taxes or assessments as aforesaid, if the purchaser or his assigns shall have died before a deed of conveyance of the same shall have been issued and delivered to said deceased purchaser, or to his assigns, such deed of conveyance shall be issued in the name of the deceased or his assigns, as the case may be, and if executed to his assigns the same shall be delivered to them, but if issued in the name of the deceased purchaser the same shall be delivered to his heirs or devisees, subject to all claims of creditors of such deceased purchaser; or, if the executor or administrator of such deceased purchaser shall have assigned said certificate of purchase, then such deed of conveyance shall be issued and delivered to the person to whom such assignment shall have been made. In case of death of purchaser before conveyance of deed.

SEC. 17. Such public sale shall be conducted by the treasurer of said city, but no sale shall be made to any person of real estate unless such person shall bid the amount of said assessment or tax, and all interest and charges thereon, together with all costs and charges of such sale. In case no person shall bid the amount of such assessment or tax, and all interest and charges thereon, together with all costs and charges of such sale, the said real estate shall be struck off to and in the name of the city of Grand Rapids, and said city shall thereby become the purchaser of such real estate on said sale. In case any purchaser of such real estate upon any such sale shall refuse or neglect to pay the amount bid by him within twenty-four hours after the time at which said sale was made, such bid shall enure to the use and benefit of the city of Public sale, how and by whom conducted.

Grand Rapids, and the said city shall be considered to become the purchaser thereby for the amount of the tax, costs and charges thereon.

Deeds to be witnessed and acknowledged.

SEC. 18. Deeds for all sales for assessments and taxes assessed on real estate under this act shall be witnessed and acknowledged in like manner as other conveyances of real estate are witnessed and acknowledged, and when so witnessed and acknowledged shall vest the title in fee to such real estate in the purchaser thereof, or his heirs or assigns, and such deed of conveyance shall be deemed and taken to be *prima facie* evidence of the existence and regularity of all such prior proceedings as might be otherwise required to be proven in order to establish the title in such purchaser of such real estate.

All amounts in excess of tax and cost to be deposited with treasurer for the benefit of the person entitled thereto.

SEC. 19. In case a greater amount is bid for any real estate and the same is sold, than the amount of such tax or assessment, and all interest and charges thereon, together with all costs and charges of sale, the same shall be deposited with the city treasurer whose duty it shall be to keep the same for the benefit of the person entitled thereto. Any person entitled to such excess shall present to the common council of said city satisfactory proof by affidavit of his claim thereto and the said common council, if satisfied that the person claiming the same is lawfully entitled thereto, shall order a warrant to be drawn upon the treasurer in favor of said person for the amount thereof, which warrant shall be signed by the clerk of the said city and countersigned by the comptroller thereof, and shall be paid by the treasurer on presentation of the same: *Provided*, That said common council may, if it [shall] deem it expedient, before it shall allow such claim or order it to be paid, require of such person a bond of indemnity to the city of Grand Rapids in a penal sum of at least twice the amount of the excess claimed, with good and sufficient sureties to be approved by said common council, conditioned to save the city of Grand Rapids harmless and indemnified against all suits and proceedings, damages, costs and charges which may be brought, recovered, sustained, or in any wise incurred by reason of allowing or paying over such excess to such persons: *And provided further*, That the city of Grand Rapids in any case shall not be liable to pay any person claiming such excess any interest thereon.

Provide.

Land sold under this act may be redeemed, time of.

SEC. 20. Any lands sold under the provisions of this act or any distinct parcel thereof which is separately assessed, may be redeemed at any time within one year after the date of sale of the same by paying to the city treasurer the amount for which it was sold with interest thereon at the rate of twelve per cent per annum; and said treasurer shall keep an account of such payments in books to be furnished and kept in his office as official records thereof, which books shall be *prima facie* evidence of the matters hereby required to be entered therein. Whenever any payment is made to said treasurer to redeem lands as aforesaid, he shall give a receipt therefor to the person making such payment, and immediately make a duplicate thereof duly certified by him to be a true and compared copy

When lands so redeemed, treasurer to make duplicate copy of receipt and deliver to city clerk

of such receipt, and deliver the said duplicate to the clerk of said city, who shall keep the same as a part of the official records of his office.

SEC. 21. All moneys realized from sales of any property, together with that received from the redemption of real estate, both as hereinbefore provided, shall be received by the treasurer of said city and by him placed to the credit of the general fund of the said city.

All moneys realized from sale of property to be credited to general fund.

SEC. 22. In case no person shall bid at a sale of any real estate an amount sufficient to satisfy the assessment or tax for which the same shall have been sold, together with all interest and charges thereon, and the costs and charges of such sales, as hereinbefore provided, and the same shall have been struck off to the city of Grand Rapids, the said city treasurer shall certify to the common council of said city, at its next meeting, a statement of the parcels so struck off to the city, and the amount of the assessment or tax for which such parcel so struck off was assessed, together with the actual costs and charges incurred on account of the sale thereof.

Treasurer to certify to council all parcels struck off to city and amount of assessment, cost and charges incurred.

SEC. 23. After the sale of said real estate by the city treasurer for unpaid taxes, as aforesaid, he shall enter the same by identical description as sold, in the books kept by him for redemption purposes, as hereinbefore provided, and the same shall become a part of the official records of his office.

After sale for unpaid taxes, treasurer to enter description of.

SEC. 24. It shall be the duty of the said board of assessors of said city, to make copies of all assessment rolls as finally confirmed by the said common council of the city of Grand Rapids, while acting as a board of review, as hereinbefore provided, upon which assessment rolls said board of assessors shall ratably assess the State, county and school taxes, as provided by the general laws of the State. When the said assessment rolls shall have been finally completed, footed and balanced by said board of assessors, it shall attach to each of said rolls its warrant, signed by the members of said board, and deliver the same, with such warrant so attached, to the treasurer of said city, within the time prescribed by law for the completion and delivery of the township rolls to the respective township treasurers of this State. Upon the receipt of such assessment rolls, with the warrant so attached, it shall be the duty of the treasurer of said city to collect the taxes on said assessment rolls, assessed as aforesaid, and to return the same to the treasurer of Kent county, within the time prescribed by law, in like manner as the same is now, or may hereafter by law be required in warrants of township treasurers for the collection of taxes in the townships of this State.

Duty of the board of assessors.

SEC. 25. The city treasurer of said city of Grand Rapids, and all his clerks and subordinates whose duty it shall be to collect such State, county and school taxes, shall use all legal means to collect the same within the soonest possible time.

To use all legal means to collect taxes in soonest possible time.

SEC. 26. In all matters not herein specially provided for the provisions of the original charter of the said city of Grand Rapids, as revised and amended, and now in force, relating to the assessment of taxes within the corporate limits of said city,

Matters not specially provided for, how governed.

and the collection of the same, and the disposal of the moneys received therefrom, shall be and remain in full force and effect, if not inconsistent with the provisions of this act.

All provisions of State law not inconsistent with this act to be performed by the board.

SEC. 27. All of the provisions of the general State laws in relation to the making of assessment rolls and the persons or property to be therein taxed, not inconsistent with the provisions of this act, which at present are performed and executed by the respective supervisors of the several wards of said city, shall, upon the taking effect of this act, be performed and executed by the board of assessors herein created, and the members of said board of assessors shall be *ex officio* members of the board of supervisors of the county of Kent.

All members of the board to be *ex officio* members of the board of supervisors. Board of review to be vested with the power of board of assessors.

SEC. 28. On the first day of October, eighteen hundred ninety-five, the members of the board of review and equalization, as now constituting the present board of review and equalization of said city, shall become vested, for the time being, with all the powers herein conferred on such board of assessors, and it shall discharge all the duties of such board of assessors herein provided for until such time as is specified in the following section.

Mayor to appoint and council to confirm succeeding members of the board of review or assessors.

SEC. 29. Whenever the term of office for which any member of the present board of review and equalization of said city was elected shall expire, a member thereof shall be appointed in his place for the term hereinbefore provided, by the mayor of said city, and be confirmed by the common council thereof; and such member of said board of assessors shall act in conjunction with the remaining member or members of the present board of review and equalization, as hereinbefore constituted, such board of assessors of said city, in discharging all the duties of such board of assessors herein provided for. After the expiration of the term of office of the last remaining member of the present board of review and equalization, the members of such board of assessors, herein provided for, shall continue to be appointed as above provided.

Supervisors to deliver their assessment rolls to the board of assessors at the expiration of their term.

SEC. 30. At the expiration of the term of office of the several supervisors of the respective wards of said city of Grand Rapids, or as soon as said board of assessors is appointed and its members have qualified, said supervisors shall each of them deliver all of the original assessment rolls in their possession by virtue of their office to said board of assessors, and thereafter such assessment rolls shall remain in the office of said board of assessors and become a part of the official record of the same. Said board of assessors shall, in addition to powers and duties herein conferred upon said board, discharge and perform all the duties now discharged and performed by the board of review and equalization as provided by the city charter, excepting where this act confers upon the common council the final reviewing of the assessment rolls of said assessors and the hearing of appeals as hereinbefore provided.

Additional duties of board of assessors.

Official records.

SEC. 31. All of the official records of the present board of review and equalization of said city shall be placed in the office of the said board of assessors and shall thereafter remain a part of the official records of the same.

SEC. 32. All acts and parts of acts inconsistent with this act shall be and they are hereby repealed. All inconsistent acts repealed.

This act is ordered to take immediate effect.

Approved May 27, 1895.

[ No. 445. ]

AN ACT to amend section thirteen of an act to revise the charter of the city of Coldwater, being amendatory of an act entitled "An act to incorporate the city of Coldwater," approved February twenty-eighth, eighteen hundred sixty-one, as amended by the several acts amendatory thereof; and to repeal all the acts and parts of acts inconsistent herewith.

SECTION 1. *The People of the State of Michigan enact,* Section amended.  
That section thirteen of an act to revise the charter of the city of Coldwater, being amendatory of an act entitled, "An act to incorporate the city of Coldwater," approved February twenty-eighth, eighteen hundred sixty-one, as amended by the several acts amendatory thereof, be and the same is hereby amended so as to read as follows:

SEC. 13. Such part of the expenses of improving any street, lane or alley, by grading, paving, planking, curbing or otherwise, and of repairing the same, as the council shall determine, may be paid from the general fund, or the whole or such part of the expense of such improvement as the council shall determine, may be defrayed by special assessment upon the lots and premises included in a special assessment district constituted of the lands fronting upon that part of the street or alley so improved or proposed so to be, or constituted of the lands fronting upon such improvement, and such other lands as in the opinion of the council may be benefited by the improvement. Such part of the expenses of improving any street, etc., as the council may determine may be paid from the general fund. May be defrayed by special assessment.

SEC. 2. All acts and parts of acts in any wise contravening the provisions of this act are hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved May 27, 1895.

[ No. 446. ]

AN ACT to provide for the erection and maintenance of shutes or ladders for the passage of fish through the dams across the Flint river and its tributaries in the counties of Saginaw, Genesee and Lapeer; to provide a penalty for viola-

tions of the provisions of this act; and to repeal all acts and parts of acts contravening the provisions of this act.

Fish shutes in  
Flint river.

SECTION 1. *The People of the State of Michigan enact,* That there shall be constructed and maintained in each dam now existing, or which may hereafter be constructed, across the Flint river, in the counties of Saginaw, Genesee and Lapeer in this State, sufficient and permanent fish shutes or fish ladders to admit of the free and uninterrupted passage of fish over such dam or dams during the months of March, April, May and June in each and every year; such shutes or fish ladders shall be put in, or provided for such dam or dams in such manner as shall be prescribed by the Board of Fish Commissioners of this State.

Liability of  
corporations.

SEC. 2. In respect to the construction and maintenance of fish shutes or fish ladders in or through any dam or dams across the said Flint river or its tributaries owned by any firm, corporation, company, person or persons, the duties and liabilities imposed by this act shall devolve and be imposed upon the president, secretary or agent of such firm, corporation, company, person or persons. The Game and Fish Warden of this State is hereby made inspector of dams across the Flint river and its tributaries, and it shall be his duty to prosecute in the name of the people, with the aid of the prosecuting attorney of any county, in all cases where the provisions of this law are not complied with.

Inspector of  
dams.

Failure to com-  
ply with law.

SEC. 3. If the owner or occupant, or any firm, corporation, company, person or persons using or enjoying the use of any dam or dams across the said Flint river or its tributaries, which is now built or which may be built hereafter, shall fail to comply with all the provisions of this act with respect to construction and maintenance in good repair of such shutes or fish ladders in any such dam or dams after being notified in writing by the said Game and Fish Warden to construct the same, he or they shall be deemed guilty of a misdemeanor. In case the owner or occupant of any dam shall fail to construct a shute or fish ladder, as provided in this act, then and in such case, on the petition of twelve freeholders of any county through which the said Flint river or its tributaries flow, across which such dam or dams may be constructed, the Game and Fish Warden shall cause to be constructed a suitable shute or fish ladder, as provided for by section one of this act, at such place in the dam as will cause the least injury to the water power; and the expense of the construction of such shute or fish ladder shall be certified by the State Game and Fish Warden and audited by the board of supervisors in the county in which said service was rendered, and be paid out of any money belonging to the general fund of the county not otherwise appropriated.

Expense to be  
audited by  
board of super-  
visors.

Repealing  
clause.

SEC. 4. All acts or parts of acts contravening the provisions of this act be and the same are hereby repealed.

Approved May 27, 1895.

## [ No. 447. ]

**AN ACT** to legalize and make valid the action of the common council and electors of the city of Eaton Rapids, in voting bonds for the construction of water works and an electric light plant in said city.

**SECTION 1.** *The People of the State of Michigan enact,* That whereas, act number two hundred eighty-seven of the special acts of eighteen hundred ninety-three, amendatory of the charter of the city of Eaton Rapids, approved March fifteenth, eighteen hundred ninety-three, did authorize and empower the people of said city to submit the question of issuing bonds for certain purposes at any annual or special election held in said city; and whereas, the common council did call an election to be held at the general election held on November sixth, eighteen hundred ninety-four, and that the proposal to bond said city for the sum of thirty-five thousand dollars for the construction of water works and an electric lighting plant, which proposition was adopted by a majority vote of the electors of said city, therefore the action of the common council and the electors of said city, in voting said bonds, is hereby ratified and declared legal and valid.

The issue of bonds legalised by act of legislature.

**SEC. 2.** The bonds hereby authorized and validated shall be issued subject to the provisions of the act to incorporate said city, provided that the sum of eight thousand dollars shall be used and appropriated for the construction and maintenance of an electric light plant, and the sum of twenty-seven thousand dollars shall be appropriated and used for the construction of water works in said city, to be for the use thereof, and as provided in the act incorporating said city of Eaton Rapids.

Bonds shall be issued subject to the provisions of act to incorporate the city. Provide.

This act is ordered to take immediate effect.

Approved May 27, 1895.

## [ No. 448. ]

**AN ACT** to provide for the appointment of a probate register for the county of Menominee and to prescribe the amount of his compensation and for the payment thereof.

**SECTION 1.** *The People of the State of Michigan enact,* That the judge of probate of the county of Menominee shall have power to appoint a probate register for said county, who shall receive an annual salary of one hundred dollars or such greater sum as the board of supervisors shall prescribe, not exceeding six hundred dollars, payable quarterly from the county treasury. Such probate register shall have power to receive petitions, fix the time of hearing, administer oaths, and do all other acts required by the judge of probate, except judicial acts.

Judge of probate authorized to appoint a probate register.

Salary of.

Duties of.

This act is ordered to take immediate effect.

Approved May 28, 1895.

[ No. 449. ]

AN ACT to prohibit fishing with nets in the bayous or creeks in the counties of Saginaw and Bay.

Unlawful to fish  
with nets in any  
bayou or creek.

SECTION 1. *The People of the State of Michigan enact,* That it shall not be lawful to fish with nets in any bayou or creek in the counties of Saginaw and Bay.

Penalty for  
violation.

SEC. 2. Any person violating the provisions of section one of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to a fine of not to exceed one hundred dollars and costs of suit, or to imprisonment in the county jail not to exceed ninety days in the discretion of the court.

Approved May 28, 1895.

[ No. 450. ]

AN ACT to amend section two of chapter one, section ten of chapter five, sections twenty-four and twenty-five of chapter seventeen, and section two of chapter twenty-seven of act number three hundred and thirty-seven of the local acts of eighteen hundred and eighty-three, and all acts amendatory thereof, entitled "An act to incorporate the city of Kalamazoo and to repeal an act entitled 'An act to reincorporate the village of Kalamazoo and to repeal all inconsistent acts and parts of acts,' " approved March fifteenth, eighteen hundred and sixty-one, as amended by the several acts amendatory thereof.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact,* That section two of chapter one, section ten of chapter five, sections twenty-four and twenty-five of chapter seventeen, and section two of chapter twenty-seven of act number three hundred and thirty-seven of the local acts of eighteen hundred and eighty-three, and all acts amendatory thereof, entitled "An act to incorporate the city of Kalamazoo, and to repeal an act entitled 'An act to reincorporate the village of Kalamazoo, and to repeal all inconsistent acts and parts of acts,' " approved March fifteenth, eighteen hundred and sixty-one, as amended by the several acts amendatory thereof, be and the same is hereby amended so as to read as follows:

## CHAPTER I.

### INCORPORATION AND BOUNDARIES.

Territory  
incorporated.

SEC. 2. That tract of country in the township and county of Kalamazoo and State of Michigan, and designated as fol-



lows: Beginning at a point one-quarter mile east of the quarter post on the north line of section fourteen in town two south, range eleven west, being the township of Kalamazoo; running thence south two and one-half miles to the southeast corner of the southwest quarter of the northeast quarter of section twenty-six; thence west to the southwest corner of the northwest quarter of section twenty-eight; thence north to the southwest corner of the northwest quarter of section nine; thence east to the east line of the road running north and south between sections ten and eleven; thence south along the east line of said road to the north line of Riverside cemetery; thence east to the northwest corner of the southwest quarter of the southeast quarter of section eleven; thence south to the section line between sections eleven and fourteen; thence east along said section line to the place of beginning, shall be and the same is hereby constituted a city corporate so far as it is not already so constituted under the name of the city of Kalamazoo and subject to the municipal control of said corporation.

## CHAPTER V.

### APPOINTMENT OF OFFICERS.

SEC. 10. The city council shall have the power to create the office of water commissioner or any other office in connection with the water department of the city as to the council may seem best.

Power of city council to create the office of water commissioner.

## CHAPTER XVII.

### POWERS AND DUTIES OF THE CITY COUNCIL.

SEC. 24. The city council, in addition to the powers and duties especially conferred upon them by this act, shall have full power and authority to enact, make, continue, establish, modify, amend and repeal at pleasure, such by-laws, rules, ordinances and regulations as they may deem desirable for the following purposes:

Additional power of council.

*First*, To prevent vice and immorality, to preserve the public peace and good order, to regulate the police of the city, to prohibit, prevent and quell riots, disturbances and disorderly assemblages in streets or elsewhere in said city; and to prohibit the use of vulgar, profane and indecent language in the public streets and places of said city;

To prevent vice, immorality, etc.

*Second*, To prohibit, prevent and suppress disorderly and gaming houses, and to prohibit all gaming and fraudulent devices, and to regulate or restrain billiard tables and bowling alleys;

Disorderly houses.

*Third*, To prohibit, restrain or prevent persons from gaming for money or other valuable thing, with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines or other instruments or devices whatsoever,

Gaming.

	and the keeping of any building, place, instruments, devices or means for such gaming;
Lotteries.	<i>Fourth</i> , To prohibit, prevent and suppress all lotteries for drawing or disposing of money or property, or valuable thing whatsoever, and to punish all persons maintaining, directing or managing the same, or aiding in the direction, maintenance or management thereof;
To prevent the sale of liquors, and all goods at auction contrary to law.	<i>Fifth</i> , To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of the State, and to prohibit, restrain and regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law, and to fix the fee to be paid by auctioneers;
Nuisances.	<i>Sixth</i> , To prohibit, prevent, abate or remove nuisances of every kind, and to declare what shall be considered nuisances, and to compel the owner or occupant of any grocery, provision store, tallow chandler shop, butcher's stall, slaughter-house, market, soap factory, tannery, stable, privy, privy vault, hog pen, sewer, or other unwholesome house or place, to cleanse, remove or abate the same from time to time as they may deem necessary for the health, comfort and convenience of said city;
Gunpowder, combustibles, etc.	<i>Seventh</i> , To direct the location of all buildings for storing gunpowder or other combustible or explosive substances; to make regulations concerning the buying, carrying, selling, keeping and using gunpowder, firecrackers or fireworks, or other combustible, inflammable, explosive or dangerous articles; the exhibition of fireworks and the discharge of cannon and firearms; and the use and kind of lamps or lights to be used in barns, stables and all buildings usually regarded as extra hazardous on account of fire, and to regulate, prevent and restrain the making of bonfires in streets, lanes, alleys and public places;
Incumbrances in streets.	<i>Eighth</i> , To prohibit and prevent obstructions and incumbrances in the public highways, streets and alleys, and to remove the same; to prohibit encroachments upon any public street, highway or alley, and to punish those who shall obstruct, incumber, encroach or maintain any encroachment upon any street, highway or alley in said city, and to require all such persons to remove every such obstruction, incumbrance or encroachment;
Signs.	to regulate and prohibit the placing of signs, goods, wares and merchandise, boxes, vegetables and other materials on public sidewalks; to regulate and prohibit the suspension of signs, banners, advertisements and devices in, over, across or upon any public street or alley; and to regulate the suspension of awnings;
Awnings, sports, etc.	to regulate or prohibit all such sports, amusements, proceedings and gathering of crowds in the street as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to regulate, prohibit or prescribe the manner of placing telegraph poles or poles of any kind in the public streets and grounds;
Telegraph poles	to regulate the manner of making all openings in and removals of the soil of public streets for the laying or repairs of sewers, drains, tunnels, gas-pipes, water pipes, or for any other pur-
Removal of soil from streets.	

pose, and may prevent all such removals and openings of the soil, except by express permission of the city council, and at such time and upon such terms and regulations as they may prescribe; to prevent any wilful injury to streets, sidewalks, crosswalks and gutters; to prohibit, prevent and remove and abate all nuisances in the public streets, alleys, highways and public grounds, and to require the authors and maintainers thereof to remove the same; and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and the safety of persons and property in lawful use thereof;

To prevent wilful injury to streets.

*Ninth,* To require any horse, horses, mules, or other animals attached to any vehicle, or standing in any of the streets, lanes, alleys, or public grounds or places in said city, to be securely fastened, held or watched, and to prevent horse racing and immoderate riding or driving in any street, lane or alley, and to authorize the stopping and detaining of any person who shall be guilty of racing or any immoderate riding or driving in any street, lane or alley, and to regulate riding or driving over bridges in said city;

Hitching of horses.

Horse racing and immoderate driving.

*Tenth,* To determine and designate the route and grade of any street railway to be laid or constructed in said city, and to regulate the use and speed of locomotives, engines and cars upon railroads within said city, and to compel the railroad companies, their officers, agents, managers and employes, to station flagmen at street crossings, and to prescribe the length of time that engines and cars may stand on said streets or street crossings, or otherwise obstruct them, or to prohibit the same and to make such other rules and regulations concerning the same as to secure the safety of the citizens or other persons;

Railways, locomotives and cars.

*Eleventh,* To restrain and punish drunkards, vagrants, mendicants and begging in the street; to regulate street parades and bodies parading in public streets, and to define the conditions under which bodies may parade, and the streets that may be used for that purpose, and to prevent the public streets from being used for that purpose, except as regulated by the city council;

Drunkards, vagrants and begging.  
Street parades.

*Twelfth,* To regulate or prohibit bathing in any public place; to provide for cleaning the river, ponds and streams within the limits of said city, and the races and canals connected therewith, of all driftwood and noxious matter, and to prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive, or drawing the water therefrom at such time and to such an extent as to make localities near them unhealthy, or to cause the atmosphere in their vicinity to be unwholesome or offensive; to designate the location of all stockyards, and to regulate and cause the same to be removed to such localities;

Bathing in public places, clearing of ponds and streams.

Stock yards.

*Thirteenth,* To establish and regulate one or more pounds, and to prevent the running at large of horses, cattle, swine and other animals, geese, chickens, turkeys, and other fowls, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding;

Pounds.

- Dogs.** *Fourteenth,* To prohibit and prevent the running at large of dogs, to require them to be muzzled; to require them to be licensed; and to authorize them to be killed when running at large in violation of any ordinance, and to prohibit any person from placing, exposing or administering any poison to any fowl, dog, or other animal not his own;
- Unwholesome or offensive substances.** *Fifteenth,* To prohibit any person from bringing into said city, or depositing or suffering to remain therein, any dead carcass or other unwholesome or offensive substance; to compel the removal or destruction of all putrid meats fish, and offensive vegetable matter;
- Cleaning sidewalks.** *Sixteenth,* To compel all persons to keep sidewalks in front of or adjoining premises owned or occupied by them, clear from snow, ice, dirt, signs, boxes, goods, wares, merchandise and other obstructions;
- Ringling of bells.** *Seventeenth,* To prevent or regulate the ringing of bells, and crying of goods and other commodities or other disturbing noises in the streets, lanes, alleys, or in any public place, or on private property adjoining thereto;
- Policemen and watchmen.** *Eighteenth,* To prescribe the powers and duties of policemen and watchmen not specifically defined by this act, and to require them to be uniformed and to fix their compensation;
- Weights and measures.** *Nineteenth,* To provide for the sealing of weights and measures; to enforce the keeping and use of proper weights and measures by venders; and to regulate the construction, repair and use of vaults, cisterns, areas, hydrants, sewers and gutters;
- Graveyards.** *Twentieth,* To regulate all graveyards in said city and the burial of the dead;
- Markets.** *Twenty-first,* To regulate the markets, the vending of hay, wood, meats, vegetables, fruit, fish, grain and provisions of all kinds, and of other goods or property in the streets, lanes, alleys and public places, and to provide or prescribe stands for exposing the same for sale; to regulate the inspection, weighing and measuring of brick, lumber, wood, coal, hay and any articles of merchandise;
- Water-works.** *Twenty-second,* To establish, provide and regulate water-works; to prevent the waste of water and to regulate and control the use thereof; to provide for and regulate connections with the water pipes and mains in said city and to punish for all unauthorized connections and interference with the same; and to regulate water rates and charges for the use thereof, and to provide for the collection of the same;
- Lighting streets.** *Twenty-third,* To provide for and regulate the lighting of the streets, alleys and public places, and to provide for the protection and safety of public lamps and property used for or in connection with any system of lighting; to establish lighting works; to employ suitable persons to superintend the same and fix their compensation;
- To establish lighting works.** *Twenty-fourth,* To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, hacks, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other descrip-

tion used and employed for carrying persons or goods for hire, and to fix and regulate their rates of fare and compensation; to license and regulate all vehicles of every kind used for the transportation of persons or property for hire in said city, and to prescribe stands for the same;

*Twenty-fifth,* To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meats, and other provisions; to regulate and license all taverns and houses of public entertainment, restaurants and eating houses; to restrain, license and regulate saloons, and to regulate and prescribe the location thereof;

Inspection of meats and provisions.

*Twenty-sixth,* To license hawkers, peddlers and pawnbrokers and hawking and peddling, and to regulate, license or prohibit the sales or peddling of goods, wares, merchandise, or any kind of property by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicles, or other device, in the streets, highways, alleys, or in or upon any public grounds or buildings in said city;

To license hawkers, peddlers, and pawnbrokers.

*Twenty-seventh,* To license auctioneers, auctions, and sales at auction; to regulate or prohibit the sale of live or domestic animals at auction in the streets, alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public bidding or offers; to license the same and to regulate the fees to be paid by auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;

Auctions and auctioneers, to license.

*Twenty-eighth,* To regulate, license, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all exhibitions for which money or other reward is in any manner demanded or received; lectures on historic, literary and scientific subjects excepted;

Circuses, theatrical exhibitions and shows.

*Twenty-ninth,* To prevent and punish for the disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose; and prevent and punish for assembling or loitering about churches during the progress of any religious meeting or at the close thereof;

Disturbance of religious meetings.

*Thirtieth,* To provide for and regulate a place or places for hitching teams in said city, to erect and maintain suitable hitching posts; to prohibit all practices, amusements and doings in the streets, lanes, alleys and public places in said city, having a tendency to frighten teams and horses, or dangerous to life, limb or property; to remove or cause to be removed therefrom, all buildings and structures that may be liable to fall and endanger life, limb or property; to preserve quiet and good order in the streets and other public places, and at the arrival and departure of railroad trains; to prevent assemblages on street corners or other places in the public streets, to the annoyance or inconvenience of pedestrians; to prevent persons, not passengers, or railroad employes from jumping on and off the cars; to prescribe and regulate the man-

Hitching posts.

Dangerous structures.

Assemblages in streets.

Stands for hacks, drays, and solicitors at depots.

ner and places in which drivers, porters, runners, solicitors, agents and baggage collectors for hotels or public houses or places of public resort, draymen, cabmen, cartmen, hackmen, omnibus drivers and solicitors for passengers or baggage, with their drays, carts, cabs, carriages, sleighs, hacks, omnibuses, or other vehicles, shall stand at any depot or other place in said city;

Unsafe buildings.

*Thirty-first,* To prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations in relation to buildings deemed unsafe; to regulate and compel the covering of mill races; to regulate, improve, alter, widen, or change the channel of Arcadia brook and other streams flowing through said city, on making compensation to persons whose property may be taken for such purpose;

Construction of private drains, sinks and cesspools.

*Thirty-second,* To regulate the construction of private drains, sinks, cesspools and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, and to pull down or remove any buildings, fence or structure which may be unsafe or liable to fall and injure persons or property, or to cause the same to be done by some proper officer of the corporation, and to assess the expense thereof on the lot or premises having such building, structure, private drain, sink, cesspool or privy thereon;

Fixing compensation of officers, fees, etc.

*Thirty-third,* To fix and regulate the compensation of all officers of the city in cases not herein otherwise fixed or regulated by law; to fix and regulate the fees of justices of the peace, jurors and witnesses in any proceeding under this act, not herein otherwise fixed or regulated by law;

Unwholesome food and provisions.

*Thirty-fourth,* To prohibit, prevent and suppress the sale of every kind of unsound, nauseous or unwholesome meat, poultry, fish, vegetables, or other articles of food and provisions;

Disorderly houses, to restrain, and punish keepers thereof.

*Thirty-fifth,* To prohibit, prevent and suppress the keeping of houses of ill fame or assignation, or for the resort of common prostitutes; disorderly houses and places; to restrain and punish the keepers thereof, and persons found therein; to punish and restrain common prostitutes, vagrants and drunkards, and disorderly persons; to prohibit, prevent and suppress mock auctions and every kind of fraudulent game, device or practice, and to secure said city and its inhabitants against injuries by fires, thieves, robbers, burglars and other persons violating the public peace;

To prevent dangerous, unwholesome, or offensive business.

*Thirty-sixth,* To prohibit and prevent, within certain limits or districts in said city, the location or construction of buildings for storing gunpowder, tanneries, distilleries, buildings for the manufacture of any combustible or inflammable material, slaughter houses and yards, butchering shops, soap factories, candle, starch and glue factories, establishments for steaming or rendering lard, tallow, offal, and such other substances as can be rendered into tallow, lard, or oil, and all establishments where any nauseous, offensive or unwholesome business may be carried on; and such buildings, factories, shops and establishments as aforesaid, now or hereafter to be constructed in

said city, together with blacksmith shops, foundries, cooper shops, steam boiler factories, carpenter shops, planing establishments and all buildings usually regarded as extra hazardous in respect to fire shall be subject to such regulations in relation to their construction and management as the city council may make, with a view to the protection of any persons or property from fire, or for the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances;

*Thirty-seventh,* To determine and regulate the construction of division or partition fences, and of partition walls, the walls of buildings and their thickness; to regulate the construction of chimneys, hearths, fire places and fire arches, ovens, and the putting up of stovepipes, kettles, boilers or any structure or apparatus that may be dangerous in causing or promoting fire; to compel and regulate the cleaning of chimneys, flues, and fix the fees therefor; to compel and regulate the construction of ash houses or depositories; to guard against fire; to compel the owners of buildings to have scuttles in the roofs thereof and ladders leading thereto; to authorize the proper officers to examine all buildings and enclosures to discover whether the same are in a dangerous or unwholesome state, and to cause such as are dangerous or unwholesome to be put in a safe and wholesome condition; to authorize the officers of the city to keep all suspicious persons away from the vicinity of fires, and to compel persons to aid in the extinguishment of fires and in the preservation of property exposed to danger therefrom;

*Thirty-eighth,* To provide for taking a census of the inhabitants of said city whenever the city council may see fit; to erect and provide for the erection of all needful buildings and offices for the use of the city or its officers, and to control and regulate the same; to provide for printing and publishing matters required to be printed and published under this act or by order of the city council; to purchase and control land for cemetery purposes either within or without the corporation limits of said city;

*Thirty-ninth,* To provide for the protection and care of indigent persons, and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon said city;

*Fortieth,* To prevent and regulate the sale, giving away or keeping for sale toy pistols and all other toy instruments and devices in which gunpowder or other explosive material is used, and to prohibit the use of slings and devices commonly called "bean-flippers" and "blow-guns."

*Forty-first,* To provide for and regulate the planting of shade and ornamental trees in the public highways, streets and avenues of said city; to protect the same from injury, and to protect the shade trees in the public streets, highways, alleys, parks and public grounds of said city from injury and destruction;

*Forty-second,* To permit the construction and operation of street railways in said city and to regulate the same;

Partition fences  
and walls, chim-  
neys, stove  
pipes, etc.

Census. .

Buildings and  
offices for city  
use.

Lands for cem-  
etery purposes.

Indigent per-  
sons.

Toy pistols,  
slings, bean-  
flippers, and  
blow guns.

Shade and or-  
namental trees.

Street railways.

No exclusive permits to be granted.

Safety, good order and good government of city.

Granting, revoking, etc., of licenses.

*Forty-third*, No exclusive permits or privileges shall be granted by the council to any person or persons or to any corporation for any purpose whatever;

*Forty-fourth*, Further, said city council shall have authority to enact all ordinances and make all such regulations consistent with the laws and constitution of the State as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof and the protection of property therein and to enforce the same by suitable fine, penalty, forfeiture, costs or imprisonments, or by fine and imprisonment, or by fine, imprisonment and costs.

SEC. 25. The city council may prescribe the terms, conditions and time, not exceeding one year, upon which licenses may be granted, and direct the manner of issuing and registering the same, and by what officer they shall be issued and the fees collected, and prescribe the amount of money that shall be paid therefor. Licenses shall not be transferable. Every license shall be revocable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license. The city council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the said council or by this act. All sums received for licenses granted for any purpose by the city under its authority shall be paid into the city treasury to the credit of the general fund.

## CHAPTER XXVII.

### MISCELLANEOUS PROVISIONS.

City officers not to be interested in contracts.

SEC. 2. Members of the council or other officers of the city shall not be interested, directly or indirectly, as principal, surety, or otherwise, in the fulfillment of any contract, job, work, claim, or services other than official services rendered the city, the compensation for which is to be paid out of the city treasury. This section shall not be construed as prohibiting any member of the council or other officer of the city from selling goods to the city in the open market and in competition with others dealing in the same kinds of goods. A violation of provisions of this section, on the part of any officer of the city, shall work a forfeiture of office; and in addition thereto, such penalty not exceeding two hundred dollars, as the city council shall by resolution impose.

This act is ordered to take immediate effect.

Approved May 28, 1895.



## [ No. 451. ]

AN ACT to constitute the president of the village of Harbor Springs and the mayor of the city of Petoskey *ex officio* members of the board of supervisors of Emmet county.

SECTION 1. *The People of the State of Michigan enact,* That, from and after the sixth day of April, eighteen hundred ninety-six, the mayor of the city of Petoskey and the president of the village of Harbor Springs, *ex officio*, shall be and are hereby constituted members of the board of supervisors of the county of Emmet, and they shall attend all the meetings of said board, and be entitled to vote upon all matters that may be brought before said board of supervisors, and for attending all such meetings they shall receive the same compensation as is authorized by law to be paid to township supervisors for similar services, to be audited by the board and paid by the county.

*The mayor of Petoskey and president of Harbor Springs to be ex officio members of the board of supervisors.*

Approved May 28, 1895.

## [ No. 452. ]

AN ACT to amend chapter eleven of an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three, by adding a new section thereto to stand as section forty-six.

SECTION 1. *The People of the State of Michigan enact,* That chapter eleven of an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three, be and the same is hereby amended by adding a new section thereto to be known as section forty-six, and to read as follows:

*Act amended.*

SEC. 46. Whenever the common council shall determine to grade, or grade and pave, or repave any street within the city of Detroit, if any incorporated plank or gravel road company shall have acquired a right to construct and maintain a plank or gravel road over any part of the street so to be improved, and over which part of the street such corporation is in the habit of charging and taking toll for travel, the board of assessors shall, unless otherwise ordered by the common council, assess such corporation so much of such cost and expense as in the judgment of said board shall be just; such assessment shall be made according to the benefits which such corporation will receive by reason of the making of such improvements, but shall not in any case exceed such benefits nor shall it exceed the due proportion of the cost and expense considering the benefits to be derived by the holders and owners of other

*Paving or grading on streets where plank or toll roads have acquired rights.*

*Assessments, how made.*

property, if any, liable to assessment for said improvement. Such assessment shall be entered upon an assessment roll, and shall be subject to review and revision by the board of assessors, as provided in relation to other special assessments. After the completion and confirmation of such assessment roll, such assessment shall constitute a lien until paid upon all the property, rights and franchises of such corporation, and may be collected in the same manner that other like assessments are collected, and such assessment shall at once become a debt from such corporation to the city, and shall become due at the same time or times, and in like proportions at each time as assessments provided by law for paying. The city may maintain an action of assumpsit to recover each installment thereof, as it becomes due. Upon the trial of any such action the assessment roll or rolls shall be *prima facie* evidence of the right of the city to recover the amount of such assessment, and all the proceedings relating thereto shall be presumed to be valid until the contrary is shown. The remainder of the cost and expense of such improvement, after deducting the amount assessed against such corporation shall be assessed and collected by special assessment or paid by general taxation, as the case may require, as elsewhere provided in this act.

This act is ordered to take immediate effect.

Approved May 28, 1895.

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[ No. 453. ]

AN ACT to amend sections six, twelve and fifteen of title three; sections fourteen, seventeen, eighteen, forty, forty-two and forty-three of title four; sections three, fifteen and eighteen of title five; sections one and eight of title ten; sections ten and nineteen of title twelve; section five of title thirteen, and section seven of title sixteen of the charter of the city of Lansing, being act number four hundred five of the local acts of eighteen hundred ninety-three, approved May twenty-fifth, eighteen hundred ninety-three.

Act amended. SECTION 1. *The People of the State of Michigan enact,* That sections six, twelve and fifteen of title three; sections fourteen, seventeen, eighteen, forty, forty-two and forty-three of title four; sections three, fifteen and eighteen of title five; sections one and eight of title ten; sections ten and nineteen of title twelve; section five of title thirteen, and section seven of title sixteen of the charter of the city of Lansing, being act number four hundred five of the local acts of eighteen hundred ninety-three, approved May twenty-fifth, eighteen hundred ninety-three, be amended so as to read as follows:

## TITLE III.

SEC. 6. At each annual election hereafter to be held in said city there shall be elected on the city ticket one mayor, one clerk and one treasurer, who shall hold their offices for one year; but no person shall be eligible for the office of city treasurer for more than two consecutive years. At the first annual election held under this charter there shall be elected on the city ticket three city assessors for the term of one, two and three years, respectively, and the terms for which they are elected shall be designated on the ballot. At each annual election thereafter held in said city there shall be elected on the city ticket, with the other officers hereinbefore named, one city assessor for a term of three years to succeed the assessor whose term of office soonest expires, and such city assessor shall enter upon the duties of his office the first day of September next following his election, and the three assessors now holding said office shall each continue to hold the same until his successor is elected and entered upon the duties of his office September first. In each ward at the annual election there shall be elected one member of the school board, who shall hold his office for two years; there shall also be elected in each ward at each annual election one alderman, who shall hold his office for two years and in eighteen hundred ninety-five; and at each fourth annual election thereafter one justice of the peace for the first and fourth wards, one justice of the peace for the second and third wards, and one justice of the peace for the fifth and sixth wards. There shall also be elected at the annual election one constable for the first and fourth wards, one constable for the second and third wards and one constable for the fifth and sixth wards, who shall hold their office for one year and until their successors are elected and qualified.

City officers to be elected at annual election.

As to treasurer.

Ward elections.

SEC. 12. The mayor shall, on the first Monday of May, or as soon thereafter as may be, by and with the consent of the common council, appoint one city attorney, one city auditor, and so many poundmasters, inspectors of wood, weighmasters and auctioneers as the council from time to time may deem necessary, and such other officers as may be necessary to carry into effect the powers granted by this act, who shall hold their office one year, except street inspector or inspectors, who shall hold their office during the pleasure of the common council. The common council may by ordinance prescribe the duties of all officers in addition to those defined in this act. Whenever any officer appointed by the provisions of this act shall, from any cause, be unable to perform the duties of his office, the mayor, by and with the consent of the common council, shall have power to appoint an officer, who shall perform the duties of the office until such inability shall cease.

What officers to be appointed by council.

Term of office.

Inability to hold office, power of council.

SEC. 15. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, except aldermen, members of the board of education and justices of the peace, the mayor may, by and with the consent of the common

In case of vacancy, except aldermen, duty of council.

council, fill such vacancy by the appointment of a suitable person, and any officer appointed to fill a vacancy, if the office is elective, shall hold by virtue of such appointment, only until the first Monday of May next succeeding; if an elective office, which shall have become vacant, was one of that class whose term of office continued after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

#### TITLE IV.

**Removal from office.** SEC. 14. Any person appointed to office by authority of this act may be removed therefrom by the mayor, by and with the consent of the common council; and the council may expel any alderman or remove from office any person elected thereto by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, provision shall be made by ordinance for preferring charges and trying the same, and no removal of an elective officer shall be made unless a charge in writing is preferred and an opportunity given to make a defense thereto.

**Two-thirds vote required.**

**Removal of elective officers.**

**Council to audit city accounts.** SEC. 17. The council shall audit and allow all accounts chargeable against the city; but no account, claim or contract shall be received for audit or allowance, unless it shall be accompanied with an affidavit of the person rendering it, which affidavit may be taken and certified by any member of the common council, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no set-off exists, nor payment has been made on account thereof, except such as are indorsed or referred to in such account or claim, and has been duly examined by and received the endorsement of the city auditor, unless such endorsement shall be waived by a two-thirds vote of the common council, in which case, if the claim is allowed, it shall be reported to the city auditor. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be sufficient defense in any court, to any action of proceeding, for the collection of any demand or claim against the city, that it has never been presented, verified as aforesaid, to the council for allowance; or, that the claim was presented without the affidavit aforesaid, and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it. The word "claim," as used in this section, shall be deemed to include claims for alleged damages arising to persons or property from defective streets, sidewalks or crosswalks, and all claims for damages in consequence of defective streets, sidewalks or crosswalks shall be presented to the common council of said city within sixty days after such injury occurs, with a brief statement of the place, time and nature of the same, as near as practicable, and not after, and

**Affidavit, correctness.**

**Accounts to be itemised.**

**Defense in court.**

**Meaning of the word "claim."**

**Claims for damage, when to be filed.**

no cause of action shall arise against said city, unless such claim is presented within the time before limited.

**SEC. 18.** The common council shall have power within said city to enact, make, continue, establish, modify, amend and repeal such ordinance, by-laws, resolutions and regulations as they may deem advisable within said city for the following purposes:

Power of council to make ordinances for certain purposes.

*First,* To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation and of its inhabitants, and of any association, public or private corporation or congregation therein, and to punish for injuries thereto or for unlawful interference therewith;

Prevention of vices, riots, etc.

*Second,* To apprehend and punish vagrants, drunkards, disorderly persons and common prostitutes;

Vagrancy.

*Third,* To prevent injury or annoyance from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances and to punish those occasioning them, or neglecting or refusing to abate, discontinue or remove the same; and generally to determine and declare what shall be deemed nuisances;

Nuisances.

*Fourth,* To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses, and all places where persons resort for gaming, or to play at games of chance, and to punish the keepers thereof;

Disorderly and gaming-houses, etc.

*Fifth,* To regulate, license or prohibit and suppress billiard tables, nine or ten pin alleys or tables and ball alleys, and to punish the keepers thereof;

Billiard tables.

*Sixth,* To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

Gaming.

*Seventh,* To regulate and suppress ale, beer and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof and all persons assisting in carrying on the business thereof, and to require all such places to be closed on the Sabbath and upon each other days during such hours of every night as the council shall prescribe;

Intemperance.

*Eighth,* To prohibit and prevent the selling or giving away of any spirituous, fermented or intoxicating liquors to any drunkards or intemperate person, minor, or apprentice, and to punish any person so doing;

Sale of liquor.

*Ninth,* To regulate, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature for which money or other reward is in any manner demanded or received, lectures on historic, literary, moral or scientific subjects excepted;

Exhibitions.

*Tenth,* To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful pur-

Violation of the Sabbath.

pose and to require all places of business to be closed on the Sabbath day;

**Auctions.**

*Eleventh*, To license auctioneers and sales at auction, to regulate or prohibit the ringing of bells or the use of any other device to attract public attention for any auction sale; to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property or anything at auction or by any manner of public biddings or offers by the buyers or sellers after the manner of auction sales or dutch auctions, and to license the same and to regulate the fees to be paid by and to auctioneers, but no license shall be required in cases of sales required by law to be made at auction or public vendue;

**Peddlers.**

*Twelfth*, To license hawkers, peddlers and pawnbrokers, and hawking and peddling, and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device, in the streets or highways;

**Pounds and running at large of animals.**

*Thirteenth*, To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding;

**Dogs.**

*Fourteenth*, To regulate, license, or prohibit the running at large of dogs, to impose taxes on the owners of dogs, and to prevent dog fights in the streets;

**Dead carcasses.**

*Fifteenth*, To prohibit any person from bringing and depositing within the limits of said city any dead carcass or other unwholesome or offensive substances, and to require the removal or destruction thereof. If any person shall have on his premises such substances, or any putrid meats, fish, hides, or skins of any kind, and on his failure to remove the same, to authorize the removal or destruction thereof by some officer of the city;

**Taverns, saloons.**

*Sixteenth*, To regulate and license all taverns and houses of public entertainment, all saloons, restaurants and eating houses;

**Hacks, drays.**

*Seventeenth*, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire in the city;

**Inspection of provisions.**

*Eighteenth*, To provide for and regulate the inspection and sale of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions; to regulate the fees to be paid by butchers for licenses: *Provided*, That nothing herein contained shall authorize the common council to restrict the sale of fresh and wholesome meats by the quarter within the limits of the city;

**Proviso—sale of meats by the quarter.**

**Inspection of wood, hay, etc.**

*Nineteenth*, To regulate the inspection, weighing and measuring of brick and lumber, firewood, coal, hay, and any article of merchandise;

*Twentieth*, To provide for the inspection and sealing of weights and measures; Weights and measures.

*Twenty-first*, To enforce the keeping and use of proper weights and measures by venders;

*Twenty-second*, To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters; Cisterns, sewers, etc.

*Twenty-third*, To prohibit and prevent in the streets or elsewhere in said city, indecent exposure of the person, the show, sale or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings, books or pamphlets, and all indecent or obscene exhibitions and shows of every kind; Obscenity.

*Twenty-fourth*, To regulate or prohibit bathing in the rivers, ponds and streams in the city; Bathing in the river.

*Twenty-fifth*, To provide for cleaning the rivers, ponds and streams of the city, and the races connected therewith, of all driftwood and noxious matter; to prohibit and prevent the depositing therein of any filthy or other matter tending to render the water thereof impure, unwholesome and offensive; to fill up all low grounds or lots covered, or partially covered, with water, or to drain the same, as they may deem expedient; Cleaning the rivers of drift, etc.

*Twenty-sixth*, To compel the owner or occupant of any grocery, tallow chandler's shop, soap or candle factory, butcher shop or stall, slaughter house, stable, barn, privy, sewer or other offensive, nauseous or unwholesome place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of said city; Cleaning of shops, stables and sewers.

*Twenty-seventh*, To regulate the buying, selling and using of gunpowder, firecrackers and fireworks, and other combustible materials, and the exhibition of fireworks and the discharge of firearms, and to restrain the making or lighting of fires in the streets and other open places in the city; Combustible materials.

*Twenty-eighth*, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon; Construction of cellars and drains.

*Twenty-ninth*, To prohibit, prevent and suppress mock auctions and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing or attempting to manage, use, or practice the same, and all persons aiding in the management or practice thereof; Mock auctions.

*Thirtieth*, To prohibit, prevent and suppress all lotteries for the drawing or disposing of money or any other property whatever, and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, directing or managing the same; Lotteries.

*Thirty-first*, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat or railroad; also draymen, oarmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, Porters, draymen and cabmen.

express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

**Paupers.**

*Thirty-second,* To provide for the protection and care of paupers and to prohibit and prevent all persons from bringing to the city from any other place any pauper or other person likely to become a charge upon said city, and to punish therefor;

**Census.**

*Thirty-third,* To provide for taking a census of the inhabitants of the city whenever the council shall see fit, and to direct and regulate the same;

**General powers of the council.**

*Thirty-fourth,* And further, the council shall have authority to enact all ordinances, and to make all such regulations consistent with the laws and constitution of the State, as they may deem necessary for the safety, order and good government of the city and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons or any corporation, for any purpose whatever;

**Destruction of objectionable weeds.**

*Thirty-fifth,* And further, the council shall have authority to require all thistles, burdocks, yellow docks and other objectionable weeds, found growing on any public or private property within the city limits, to be destroyed. But before entering upon any private property for the purpose of destroying the weeds mentioned herein, the council shall cause a notice, written or printed, or partly written and partly printed, to be served on the owner or occupant of said property, requiring their destruction within five days after service of such notice. If no service of such notice can be had upon the owner or occupant, then it shall be sufficient to post the same in some conspicuous place on the premises, and the cost of removing such weeds shall be paid from the city treasury and the same assessed against the property in the next general assessment roll of the city;

**Authority of council to license telegraph and telephone companies.**

*Thirty-sixth,* And further, the council shall have authority to license telegraph and telephone companies to erect poles in the streets and public places, and place necessary wire thereon, and to charge reasonable compensation therefor.

**Sprinkling of streets and payment of expense thereof.**

**SEC. 40.** The common council shall have power to cause the streets in said city to be sprinkled with water in such manner as they by ordinance or resolution shall provide and direct; and also to provide for the payment of the expense thereof, and may, if it so determines, charge the expense of such sprinkling to the owners of the lands abutting the streets sprinkled, or the expense and benefit of such sprinkling may be charged and assessed to the property abutting upon such streets as a special tax after the expense of the same has been determined and the assessors of the city are authorized to spread the same upon the tax roll whenever the common council by resolution shall so direct, and the mode of levying and collecting abutting taxes as provided in title twelve of this act shall be followed as near as may be, in levying and collecting abutting sprinkling taxes.



SEC. 42. The common council may maintain and extend from time to time, as necessity may require, the water-works and electric light plant heretofore established in said city, and shall have such power and authority with reference to supplying such city and the inhabitants thereof with water and with light as is or may be provided by law. The board of water-works and electric lighting, heretofore constituted and appointed under the ordinance of the said city, passed July twelve, eighteen hundred and ninety-two, is hereby continued until such time as the term of office of the members constituting said board shall expire respectively, and at the expiration of the term of office of each of such members the mayor by and with the consent of the common council, shall appoint a member of said board, who shall be a qualified elector of the said city, and who shall be a freeholder, to membership in said board for the term of six years and until his successor shall be appointed and qualified; said board shall have charge of the water-works and electric lighting works of the said city, with all the powers and duties as the common council shall from time to time by ordinance prescribe: *Provided*, That any indebtedness incurred under this section shall be subject to the limitations prescribed by section fourteen of title thirteen of this act.

Council may extend water-works and electric plant.

Present water and electric board continued.

New appointments.

Power of board.

Proviso.

SEC. 43. On or before the first meeting of the common council in March in each year, the common council may, if they deem it expedient, appoint an expert accountant, whose duty it shall be to examine the accounts of the city treasurer and the accounts of all other officers and persons having claims against the city or accounts with it; and such accountant shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year; in which statement shall be clearly and distinctly specified the several items of expenditures by the common council; the object and purpose for which the same were made, and the amount of money expended in each; the amount of taxes raised for the general contingent expenses; the amount raised for lighting and watching the city; the amount of highway taxes and assessments, the amount of assessments for opening, planking, repairing and altering streets, and building and repairing bridges; the amounts borrowed on the credit of the city; the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial condition of the city, with such suggestions as he may recommend with reference to the methods of keeping the city accounts, and shall report the result of such examination to the council on or before the third Monday in March, and such reports shall be published in such manner as the council may direct at least ten days before the annual spring election.

Appointment of expert accountant by council.  
Duty of.

Financial statement.

Contents of.

To report to council and when.

## TITLE V.

Power of  
removal.

May inspect  
city records.

Assessment of  
property to be  
made by assess-  
ors.

Assessor whose  
term first ex-  
pires to be  
chairman.

Assessor to make  
assessment rolls  
in several wards.

To act as a  
board in special  
assessments.

Council to  
designate wards  
in which assess-  
ments are to  
be made.

Power and duty  
of city engineer.

SEC. 3. The mayor may remove any officers appointed by him at any time, by and with the consent of the common council, and may suspend any policeman for neglect of duty; he shall have authority at all times to examine and inspect the books and papers of any officer, agent or employé of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

SEC. 15. The annual assessment of property in the several wards shall be made by the city assessors as herein provided, and the assessor whose term soonest expires shall be chairman of the board of assessors, and shall have the control of the work of said board under the direction of the common council, and he shall be a member of the board of supervisors and shall exercise the same functions, perform the same duties and receive the same compensation as supervisors of townships. In case such assessor shall desire he may by authority, in writing, authorize any other assessor to act as supervisor in his place for the time being; it shall be the duty of the city assessors to severally take the assessments and make assessment rolls in such wards of the city as may be designated by the common council, except that in making special assessment rolls the city assessors shall act as a board, a majority of whom shall be competent to make and certify any special assessment ordered by the council. It shall be the duty of the common council, at its first meeting in September, or as soon thereafter as practicable, to designate by resolution the ward or wards in which the city assessors, naming them, shall make the general assessments and assessment rolls for the ensuing year.

SEC. 18. The city engineer shall have and exercise within the city the like powers and duties as conferred by law upon county surveyors, and the like effect and validity shall be given to his official acts, surveys and plats, as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications, required by the council, boards or officers of the city, relating to the public improvements, buildings, grounds and streets of the city, which shall be filed by him in his office, and shall at all times be open to the inspection of any citizen of said city and have the same validity and effect that usually appertain to public records.

## TITLE X.

## BOARD OF PUBLIC WORKS.

Board of public  
works, who to  
constitute and  
compensation.

SECTION 1. There shall be created and constituted a board of public works, in and for said city of Lansing, composed of three members, not more than two of whom shall be members of one political party, and who are qualified electors of said city,

who shall be appointed by the mayor, by and with the consent of the common council of said city, and who shall serve without compensation. The members first composing such board shall be appointed on the first Monday of May, eighteen hundred and ninety-five, or as soon thereafter as may be, and hold their office, one for the term of one year, one for the term of two years, and one for the term of three years, from the first Monday of May, eighteen hundred ninety-five. And the mayor, by and with the consent of the common council, shall annually thereafter, or on the first Monday of May, or as soon thereafter as may be, appoint one member of such board for the term of three years. The members first appointed under this act shall, within ten days from the date of their appointment, or such further time as the common council shall fix, meet and organize the said board of public works by the election of one of their number as president. And the common council shall thereupon and at all times thereafter provide the board with suitable office rooms for its meetings and business uses, and supply record books, stationery, and other things necessary for the transaction of the public business in charge of said board, and provide for the payment, in like manner as other accounts against the city, of all necessary and lawful expenses incurred by said board. All provisions or acts in any manner in conflict with this section are hereby repealed.

Term of office.

Further appointments.

Organization of board.

Office and books.

All provisions or acts in conflict with this section repealed. Council may require members of the board to give bonds.

Failure vacates office.

SEC. 8. The common council may, at any time, require the members of the board of public works to execute a bond to the city of Lansing, in the sum of five thousand dollars, conditioned for the faithful performance of duties of said office, with sureties to be approved by the common council; and any member of said board, who shall fail or neglect to give such bond within ten days after being required to do so by the common council, shall be deemed to have resigned his office, and the vacancy thereby created may be filled by the appointment of the common council upon the nomination of the mayor, as in other cases.

## TITLE XII.

SEC. 10. Every corrected assessment so ratified and confirmed by the common council as aforesaid shall be final and conclusive. Within ten days after such assessment shall have been so ratified the mayor shall affix to such assessment and tax roll his warrant for the collection thereof, which warrant shall direct the treasurer to collect the same within the time prescribed by the resolution of the common council; and the said assessment and tax roll, with the warrant of the mayor annexed, shall be delivered to said treasurer within the ten days aforesaid, who shall thereupon be authorized to levy and collect the same by distress and sale of any personal property in possession of the person chargeable with such tax: *Provided*, That if a majority of the resident taxpayers of this city owning property in any paving district liable for taxation for any such paving therein shall, prior to the order of the com-

To be final and conclusive.

Mayor to affix warrant to roll.

To be delivered to treasurer.

Treasurer to collect.

proviso.

Extension of  
time.

Partial pay-  
ments author-  
ized.

Money borrowed  
to pay for pav-  
ing for which  
time of payment  
has been ex-  
tended, how  
kept.

Council author-  
ized to issue  
bonds and bor-  
row money.

Bonds, how  
disposed of.

Majority vote  
required.

Council also  
authorized to  
borrow without  
such vote, not  
to exceed cer-  
tain sum.

mon council directing the mayor to attach his warrant to such tax roll for the collection of such taxes, petition the common council for an extension of the time of payment of such taxes, it shall be within the power of the common council by resolution to extend payment as follows: One-fifth shall be levied by the assessors of such city upon the next succeeding tax roll, one-fifth in one year, one-fifth in two years, one-fifth in three years and one-fifth in four years thereafter; and such taxes, together with interest at the rate of six per centum per annum thereon shall be collected by the treasurer of the city upon the warrant of the mayor in the manner as herein provided. The city shall have a lien for the total amount of such taxes and interest which shall attach to the property liable for the same, from and after the date of the warrant for the collection of the first installment thereof, and shall remain until all the installments are fully paid. If the city shall have borrowed money and issued its bonds to pay for any paving for which extension of the time of payment of taxes therefor has been granted by the common council, such taxes annually paid as in this section provided shall be received and kept by the city treasurer in a special fund to be known as ..... street paving fund, and the taxes so collected and placed to the credit of said fund shall be used for the purpose of paying the bonds issued for said paving, and for no other purpose, and shall be applied as the common council shall direct.

SEC. 19. The common council are authorized to borrow, on the faith of said city, such sums of money, not exceeding seventy-five thousand dollars, for bridge purposes, and one-hundred twenty five thousand dollars for public buildings and grounds, as they may deem necessary, for a term not exceeding twenty years, and at a rate of interest not exceeding six per cent, and for such purposes may issue the bonds of the city, signed by the mayor and countersigned by the clerk of the city, in such form and sums as the common council shall direct; such bonds shall be disposed of under the direction of the common council for a sum not less than their par value, and the avails thereof shall be applied for the purpose for which such money was raised and for no other purpose; but no such bonds shall be issued by the common council for such purposes unless the amount of such bonds shall have been determined by a majority vote of the taxpaying electors of the city voting thereon at a meeting to be called, and by a vote to be had and determined in the manner provided for in section six, title thirteen, of this act. The common council shall also have the right and is authorized, without such vote of the taxpaying electors, whenever they deem it for the best interests of the city, to borrow on the faith and credit of the city money in a sum not to exceed one hundred thousand dollars for the purpose of defraying the expense of paving any street or streets in said city, as well that part of the expense which it is determined that the city at large shall bear as that portion of the expense assessed to adjoining or abutting property, the time of payment of which is extended under the provisions of section

ten, title twelve, of this charter, and issue its bonds therefor, bearing interest at a rate of not exceeding six per cent per annum, payable annually, which bonds shall be of such denomination and shall fall due at such time or times as the common council may direct, not exceeding twenty years from the date of their issue, and shall not be sold for anything less than the par value thereof, and no more than one hundred thousand dollars of such bonds shall be outstanding and unpaid at any one time. The common council shall not have the power to authorize new bonds to take up such original bonds, and the money so borrowed and the avails of the bonds so sold shall be applied to no other purpose. Said bonds shall be designated "City of Lansing Paving Bonds."

Bonds not to be sold for less than par value.

Bonds, how designated.

### TITLE XIII.

SEC. 5. The assessors, in preparing the tax roll for December, shall have power to redescribe, revalue and reequalize the several parts of any description of real property which was assessed on the last tax rolls as one description, and to one owner, and with one valuation, and was thereafter divided, by sale or otherwise, among separate owners. The equalized valuation of the several parts shall equal the assessed valuation of any description which included them all, on the last tax roll whereon the same was assessed. Persons interested may appear at the assessors office at any time before the first Monday of November, and the assessors shall hear and consider their statements. And their action shall be as final, conclusive and binding as the acts of boards of review in reviewing, correcting and equalizing general assessments as hereinbefore set forth; and it shall be the duty of the city assessors to carry out State, county, school or other taxes against such subdivided descriptions and the several valuations thereof in the same manner as if they were original entries.

To meet annually to redescribe and revalue property.

Who may appear at meetings.

### TITLE XVI.

SEC. 7. Whenever the said board shall deem the purchase of sites and buildings, the erection of high school buildings in said city or ward schoolhouses, or other buildings in said city for school purposes, necessary, or shall deem it necessary to raise money by tax or by issuing bonds, for the purpose of paying, refunding, renewing or reissuing any bonded indebtedness of said board, they shall so declare by resolution, and shall determine the sum or sums of money necessary to be raised for such purposes and what portion thereof, if any, shall be raised by tax, and what proportion of said sum, if any, shall be borrowed on the bonds of said district. The sum to be raised by tax and the interest on all bonds issued by said board, together with the principal thereof at maturity, shall be assessed and

Money needed for buildings, etc., to be assessed as other school moneys.

Bonds to be issued.

Provide that resolutions shall have been approved by majority vote.

Who to preside.

It shall be competent to increase or diminish amount specified.

Further proviso.

levied on the real and personal property of said city, and collected, and paid over to said board, as other school money in said city. For the amount determined to be borrowed, the bonds of said district shall be issued by said board, executed by the president and clerk thereof, in such denominations, not less than twenty-five dollars, payable at such times and places, and with such interest, not exceeding six per centum per annum, as said board may direct, the money so raised to be applied by said board for the purposes in this section specified: *Provided*. That said resolution shall have been first approved by said school district, such approval to be determined by a majority of the votes cast in said district, at a school meeting of said school district called by said board for that purpose, notice whereof shall be given by posting printed copies of said resolution, and notice of the time and place of holding said meeting in at least two public places in each ward of said city, for ten days prior to said meeting, and by publishing the same once in each of the daily newspapers, published in the city of Lansing. The presiding officer of said board shall preside at such meeting, and the clerk of said board shall be clerk thereof, and shall keep a record of said meeting. It shall be competent for the voters at such meeting to increase or diminish both or either the amount of tax and bonds specified in said resolution, and the resolution as submitted by said board or amended by such meeting, shall, when the question is upon the final passage thereof, be voted upon by ballot, either written or printed, or partly written and printed; said ballots to be received and canvassed by two inspectors, who shall have been chosen by said board from the members thereof. It is further provided that the bonded indebtedness of said school district shall at no time exceed fifty thousand dollars.

This act is ordered to take immediate effect.

Approved May 28, 1895.

[ No. 454. ]

AN ACT to incorporate the city of Sturgis in the county of St. Joseph.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact*, That all those tracts or parcels of land known and described as follows: Section numbered one and the north one-half of section numbered twelve, in township eight south of range ten west, be and the same is hereby incorporated as a city by the name of the city of Sturgis.

Subject to the provisions of an act for the incorporation of cities of the fourth class.

SEC. 2. The said city of Sturgis is hereby made, subject to the provisions of an act entitled "An act to provide for the incorporation of cities of the fourth class," approved May twenty-seventh, eighteen hundred and ninety-five, except that the common council of the village of Sturgis may at its option

and by resolution order a special election for the purpose of electing the city officers provided for in cities of the fourth class, which city officers when so elected shall hold their respective offices until the second Monday in April, eighteen hundred and ninety-six, or until their successors are elected and qualified.

Except council  
may order  
special election.

This act is ordered to take immediate effect.

Approved May 31, 1895.

[ No. 455. ]

AN ACT to amend sections five, six, seven, eight, nine, twelve, eighteen, twenty-two, twenty-seven, seventy-seven, eighty-one, ninety-five, one hundred, one hundred nineteen and one hundred sixty-one of act number three hundred forty-six of the local acts of eighteen hundred eighty-one, entitled "An act to revise an act to incorporate the city of Bay City," approved March thirtieth, eighteen hundred eighty-one, as amended and revised by the several acts amendatory and revisionary thereof.

SECTION 1. *The People of the State of Michigan enact,* That sections five, six, seven, eight, nine, twelve, eighteen, twenty-two, twenty-seven, seventy-seven, eighty-one, ninety-five, one hundred, one hundred nineteen and one hundred sixty-one of act number three hundred forty-six of the local acts of eighteen hundred and eighty-one, entitled "An act to revise an act to incorporate the city of Bay City," approved March thirtieth, eighteen hundred and eighty-one, as amended and revised by the several acts amendatory and revisionary thereof, be and the same are hereby amended so as to read as follows:

Sections  
amended.

SEC. 5. At the first annual election after the passage of this act and at each annual election thereafter, there shall be elected one alderman in each ward of said city by electors thereof, voting in their several wards, who shall hold his office for two years. There shall also be elected annually in each ward, by the electors thereof, one supervisor and one constable, each of whom shall hold his office for one year. Each of said supervisors shall be the supervisor of the ward for which he was elected, with all the powers of supervisors of townships in this State, and subject in all respects to the provisions of law regulating the duties of township supervisors, except as herein otherwise provided. At the annual charter election in April, eighteen hundred ninety, and every two years thereafter, there shall be elected on the general city ticket, by the qualified electors of said city, one recorder, who shall hold his office for two years; and at the annual charter election in April, eighteen hundred eighty-nine, and every two years thereafter, there shall be elected one mayor and one treasurer, each of whom

Annual election.  
Alderman.

Supervisors and  
constables.

Recorder.

Mayor and  
treasurer.

Comptroller.

Justice of the  
peace.

shall hold his office for the term of two years. At the annual charter election in April, eighteen hundred eighty-nine, and every four years thereafter, there shall be elected one comptroller, who shall hold his office for four years. At said first annual charter election, and at every annual charter election thereafter, there shall be elected one justice of the peace, who shall hold his office for four years. Justices of the peace of said city shall have the same jurisdiction and power, perform the same duties and be subject to the same liabilities as justices of the peace of townships in this State, except as herein otherwise provided. The term of office of said justice shall commence when elected and qualified; each of said officers shall continue in office until his successor is elected and shall have qualified. No person shall be eligible for election to or hold the office of mayor, who is holding any judicial office or who is holding any State or county office for which a stipulated annual salary is paid or received. The treasurer shall be eligible for election twice in succession. The aldermen shall receive for their services as a full compensation the sum of two dollars for each session of the council, when actually in attendance. Nothing herein contained shall be construed to affect the term of office of any officer of said city elected by a popular vote; but such officers shall continue to hold their several offices for the remainder of their unexpired terms.

Elections, when  
and how held.

Inspectors.

SEC. 6. The annual election under this act shall be held on the first Monday in April of each year, at such place in each of the several wards as the council may designate. Notice thereof shall be given by the recorder at least eight days before the election, by publishing the same in the official newspaper of said city. The aldermen and supervisor of each ward shall be inspectors of such election, and they shall also be inspectors of the State and county elections, and shall choose the clerk thereof; in case any such supervisor or alderman is disqualified to act as such inspector, the council shall by a majority vote of all the aldermen elect, appoint inspectors qualified to act in their stead; and in case of the absence of one or more of such inspectors, or if no inspectors have been elected or appointed, the electors present may choose *viva voce* from their number one or more to fill such vacancy or vacancies, to whom shall be administered the constitutional oath by either of said inspectors or by any justice of the peace. The manner of conducting all elections and canvassing the votes and qualifications of electors in the several wards shall be the same as that of townships, the word "ward" instead of "township" being used in the oath to be administered to an elector in case his vote shall be challenged: *Provided*, That at such charter election the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for said city, and also one certificate of the officers elected in and for each ward, which certificate shall be immediately filed in the office of the recorder of said city; and upon the Thursday next following the day of such election the council shall meet at the office of said recorder and thereupon

Provided,



ten, title twelve, of this charter, and issue its bonds therefor, bearing interest at a rate of not exceeding six per cent per annum, payable annually, which bonds shall be of such denomination and shall fall due at such time or times as the common council may direct, not exceeding twenty years from the date of their issue, and shall not be sold for anything less than the par value thereof, and no more than one hundred thousand dollars of such bonds shall be outstanding and unpaid at any one time. The common council shall not have the power to authorize new bonds to take up such original bonds, and the money so borrowed and the avails of the bonds so sold shall be applied to no other purpose. Said bonds shall be designated "City of Lansing Paving Bonds."

Bonds not to be sold for less than par value.

Bonds, how designated.

### TITLE XIII.

SEC. 5. The assessors, in preparing the tax roll for December, shall have power to redescribe, revalue and reequalize the several parts of any description of real property which was assessed on the last tax rolls as one description, and to one owner, and with one valuation, and was thereafter divided, by sale or otherwise, among separate owners. The equalized valuation of the several parts shall equal the assessed valuation of any description which included them all, on the last tax roll whereon the same was assessed. Persons interested may appear at the assessors office at any time before the first Monday of November, and the assessors shall hear and consider their statements. And their action shall be as final, conclusive and binding as the acts of boards of review in reviewing, correcting and equalizing general assessments as hereinbefore set forth; and it shall be the duty of the city assessors to carry out State, county, school or other taxes against such subdivided descriptions and the several valuations thereof in the same manner as if they were original entries.

To meet annually to redescribe and revalue property.

Who may appear at meetings.

### TITLE XVI.

SEC. 7. Whenever the said board shall deem the purchase of sites and buildings, the erection of high school buildings in said city or ward schoolhouses, or other buildings in said city for school purposes, necessary, or shall deem it necessary to raise money by tax or by issuing bonds, for the purpose of paying, refunding, renewing or reissuing any bonded indebtedness of said board, they shall so declare by resolution, and shall determine the sum or sums of money necessary to be raised for such purposes and what portion thereof, if any, shall be raised by tax, and what proportion of said sum, if any, shall be borrowed on the bonds of said district. The sum to be raised by tax and the interest on all bonds issued by said board, together with the principal thereof at maturity, shall be assessed and

Money needed for buildings, etc., to be assessed as other school moneys.

Alderman not to be personally interested in certain contracts.

Acting mayor.

Appointed officers.

Term of office.

Removal from office.

ance at any meeting by any member or officer. No alderman shall vote on any question in which he shall have a direct personal interest. No alderman shall be personally interested in any contract for any public improvement in said city. The mayor shall preside at all meetings of the council, and in his absence the president of the council shall preside. But in case of the absence of both mayor and the president of the council, the council shall have power to appoint a president *pro tempore*. In case of the death, continual absence or resignation of the mayor, or in case of his neglect, refusal or inability to perform the duties of his office, the same shall devolve upon the president of the council; and if there be no such president of the council, the said duties shall devolve upon the president *pro tempore* of the council, until the mayor is able to and does attend to his duties, or the vacancy is filled as provided for by the charter. The person upon whom such duties shall devolve shall be styled "acting mayor," and possess the full powers of mayor in case of the death, resignation or removal of the mayor; and in case of the neglect or refusal of the mayor to act or to perform the duties of his office, but in all other cases shall possess the powers of mayor in matters not admitting of delay, and shall have no power to make any permanent appointments. The mayor, or "acting mayor," shall file with the recorder his objections in writing to any ordinance, resolution or order of the council within three days after the passage of the same, setting forth his reasons for disapproving of the same; then such ordinance, resolution or order of the council shall not become operative or take effect, unless again passed or adopted by a vote of two thirds of all the aldermen elect. The recorder shall, at the first meeting of the council after such objections of the mayor or "acting mayor" shall have been filed with him, communicate and deliver the same into the custody and control of the council.

SEC. 8. The council shall have power to appoint an attorney and a street commissioner and an assistant street commissioner, a surveyor and such other officers whose election is not especially provided for in the charter of Bay City, as they may deem necessary to carry into effect the powers in said charter and this act. The city attorney, city surveyor, street commissioner and assistant street commissioner shall each hold his office for two years, and the term of office of the present street commissioner shall expire on the second Monday in April, eighteen hundred ninety-six, and the term of the office of the present assistant street commissioner shall continue until and expire on the second Monday in April, eighteen hundred ninety-seven: *Provided*, That in case of a tie vote by the council on a vote of all the aldermen elect, in any of such appointments, the mayor shall have a right to vote. Any person appointed to any office, whether upon the nomination of the mayor or otherwise, may be removed therefrom by the council upon a vote of two-thirds of all the members elect voting therefor. Any person holding office by election, except the mayor, recorder and justice of the peace, may be removed

therefrom by the council for corrupt or wilful malfeasance or misfeasance in office, or for wilful neglect of the duties of his office, or for any violation of any of the ordinances of the council, by a two-thirds vote of all the aldermen elect. In such case the reason for removal shall be entered in the records of the council, with the names and votes of the members voting on the question. No officer holding office by election shall be removed by the council, unless first furnished with a copy of the charges against him, in writing, and allowed to be heard in his defense, with the aid of counsel. The council shall have power to issue subpoenas, under the hand of the mayor or their chairman, to compel the attendance of witnesses and the production of papers, and shall proceed within twenty days after the service of a copy of the charges to hear and determine the same. If such officer shall neglect to appear and answer such charges, his default shall be deemed good cause for removal. Every person appointed by the council shall take and subscribe the constitutional oath of office, and file the same with the recorder within ten days after such appointment. Every person so appointed shall execute an official bond or undertaking in the manner and within the time which may be prescribed by the council.

Persons appointed by council shall take oath.

SEC. 9. Resignations of officers shall be made in writing to the council and shall be subject to its approval and acceptance. Whenever any alderman shall remain absent from the sessions of the council for a period of four successive weeks, he shall be deemed to have vacated his office, unless unavoidably absent on account of sickness or for any other reason which the council, in its discretion, may deem a good and sufficient excuse for such absence. In case of death, absence from the meetings of the council for four successive weeks without cause thereafter deemed by the council to be good and sufficient, and in case of resignation, removal from office, neglect to qualify, removal from the city or ward for which he was elected, or permanent disability to perform the duties of the office to which he was elected, of any person holding an elective office, except judicial officers, the council shall appoint some person, eligible under the charter, to serve in such office until the next annual charter election, and until his successor is elected and qualified. At such annual charter election the vacancy shall be filled for the residue of the unexpired term.

Resignation and filling vacancies.

SEC. 12. The members of the said board of fire commissioners shall serve without compensation, and no member thereof shall hold any other political office, and they shall be exempt from jury duties while so serving. Every officer and employe in said department now or hereafter appointed shall hold office and retain his position during good behavior, and no such officer or employe shall be discharged, except for cause, and after a hearing before and investigation by said board under such rules and regulations as said board may prescribe. The board of fire commissioners shall be the absolute and final judges as to the existence and sufficiency of cause for removal. No appeal from their decision shall be had, taken or

Board of fire commissioners.

Officers and employes to retain their positions during good behavior.

entertained, and there shall be no review by *certiorari* or otherwise, of their proceedings in relation to such hearing, investigation and removal or dismissal of such employees or officers.

Council to be judge of election of members.

SEC. 18. The council shall be the judge of the election and qualifications of its own members, and of all ward and city officers, as provided in section six of this charter, and shall have the power to determine contested elections, and to determine the rules of its proceedings, and pass all by-laws and rules necessary and convenient for the transaction of business, not inconsistent with the provisions of this act. The council shall also have the power, by a majority vote of all the aldermen elect, to repeal, amend, change or modify any and all existing rules thereof, and to enact and pass other rules and by-laws, and to repeal, amend, change and modify the same.

Moneys from licenses and fines appropriated for charity.

SEC. 22. All moneys collected by the city for licenses and permits, and all fines imposed for the violation of any ordinance, shall be placed into and constitute a part of a special fund to be appropriated for the use and benefit of charitable institutions as may be directed by the common council.

Board of assessors.

Terms of office.

Compensation.

Eligibility.

Comptroller to be president of board.

Issuing of bonds to be submitted to electors.

Notice to be given.

Limit of issue.

Manner of conducting election.

Canvass of votes.

SEC. 27. There shall be two assessors elected by the common council, who, together with the comptroller, shall be known as the board of assessors. The two assessors so appointed shall hold their office for the term of three years from the date of their appointment, and until their successors have qualified. Said assessors shall receive such compensation as the common council may determine: *Provided, however,* That such compensation shall not exceed the sum of five dollars per day, and for a period of time not exceeding one hundred days in any one year. No person who holds any county or other city office, except comptroller, shall be eligible to appointment or hold the office of assessor. The comptroller shall be president of said board, and two members thereof shall constitute a quorum.

SEC. 77. Whenever the council shall deem it necessary to issue the bonds of the city, for any purpose, the question of the issuing of said bonds shall be submitted to the electors of the city at the annual election in April, or at the general election in November, and at least thirty days' notice of such submission shall be given immediately preceding said election, by publication in the official paper of said city, specifying the amount of, and not exceeding fifty thousand dollars, and the object for which it is proposed to issue said bonds, except as herein otherwise provided. A separate ballot box shall be provided for the receiving of ballots, and the votes on said question shall be canvassed, declared and returned, and all things with reference thereto done in the same manner, as near as may be, as in the case of the election of city officers. At the close of such election the inspectors of election shall make two certificates of the number of votes given for and against such issue of bonds, one of which shall be forthwith deposited with the recorder of said city, and the other filed in the office of the

county clerk of Bay county: *Provided*, That not more than two such elections on the question of issuing bonds as aforesaid shall be held in any one year: *Provided, however*, That the common council of the city of Bay City shall have the power and shall be authorized during the year eighteen hundred ninety-five to raise by loan the sum of fifty thousand dollars, to be used and applied in completing the city hall now in course of construction in said city; and to secure such loan by the bonds of said city, payable at such times, not less than twenty years after date of issue, and with such rate of interest, not exceeding five per cent per annum, as said common council shall determine. The moneys obtained by such loan and sale of bonds shall be deposited with the treasurer of Bay City to the credit of the city hall construction fund, and drawn out upon warrants in the same manner as provided in section forty-eight of the charter of Bay City; such funds to be used for no other purpose except the construction and completion of said city hall.

Loan authorized  
in 1895.

Issue of bonds.

To be used for  
construction of  
city hall.

SEC. 81. The common council of Bay City shall also have the power, within said city, to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they may deem desirable for the following purposes: To license and regulate the keeping of hotels, taverns and other public houses, groceries, and keeping of ordinary saloons, and victualing and other houses and places for furnishing meals, food or drink; to restrain, license and regulate saloons and to regulate and prescribe the location thereof, and to regulate and restrain the keepers of billiard tables and bowling alleys; also to license and regulate or prohibit auctioneers, hawkers and peddlers and pawnbrokers, and to regulate auctions, hawking and pawnbrokerage.

Council to enact  
ordinances.

To license and  
regulate hotels,  
groceries and  
saloons.

Billiard tables  
and bowling  
alleys.

Auctioneers,  
peddlers and  
pawnbrokers.

Duties of  
recorder.

SEC. 95. The recorder shall be clerk of the council and shall give bond for the faithful performance of his duties in such sum as the council shall by ordinance direct, and shall keep a manuscript record of their proceedings in the manner and as directed by the council in the proper books provided therefor, and shall open and keep books of account and such other books of receipts and expenditures as the council may direct, and in such form and manner as they may order. He shall also perform for the city all such duties as township clerks are required by law to perform for the several townships, in regard to filing and registering chattel mortgages and bills of sale, and for such services he shall receive the same fees and compensation as they are entitled to receive under the laws of this State. He shall keep a record of all ordinances, and of the time of their publication, which record shall be signed by the mayor and recorder. No ordinance subjecting any person to fine or imprisonment shall take effect until it shall have been published for at least one week in the official newspaper of said city.

Fees of.

Publication of  
ordinances.

**Duties of  
Comptroller.**

SEC. 100. It shall be the duty of the comptroller to keep the financial accounts of the city, to countersign all bonds, orders on the treasury, and all evidences of debts and transfers of property which the council is authorized to make, pledging the faith of the city; to examine all accounts and demands against said city and certify to the council as to the correctness of the same, and when payment thereof shall be authorized by the council, to countersign and register the orders drawn therefor by the recorder upon the treasurer; he shall keep in proper books a record of all bonds issued by the city, with the number, amount and dates thereof, when issued, when payable, and of all coupons attached thereto. The comptroller shall in like manner keep account of all funds, taxes, assessments, receipts and expenditures of the city, and at the end of the fiscal year, in the month of March of each year, he shall make out and present to the council a full statement and balance sheet of the financial accounts of said city, as provided in section ninety-two of this act, with such recommendations as may be proper to add thereto, and shall cause two hundred copies of a summarized statement of the same under the general heads, or as many more as the council may direct, to be printed in pamphlet form. He shall sign all contracts and agreements on behalf of the city, except as herein otherwise provided, subject to the orders of the council, and shall make all purchases for the city or its officers, not otherwise herein provided for, whenever, in the manner and as shall be directed by the council; he shall be charged with the leasing, repairs, insurance and general supervision of the city property, not herein otherwise provided for, and for his information may require reports from all officers and persons having any city property in charge or in their possession, and report the same when required by the council. He shall exercise a general supervision over the financial concerns of the city and keep complete sets of books exhibiting the conditions of the city in its various departments and funds, its resources and liabilities, with a proper classification thereof, and of each fund or appropriation for a distinct object or class of expenditures. He shall open an account with the treasurer, in which he shall charge the treasurer with the whole amount of taxes, special or general, levied in said city, and placed in his hands for collection, all sums received for licenses, rents and other moneys which may be paid into the city treasury, and all bonds, coupons, notes, leases, mortgages, interest and bills receivable by said city of whatever nature. He shall charge to the treasurer all taxes which may be placed in his hands for collection, and all other officers of the corporation with all funds, moneys or property placed or being in their possession, and shall require a settlement with such officers at least once a year and not oftener than once a month. He shall also give the treasurer and all such other officers credit for all moneys disbursed upon showing proper vouchers. He shall make out and attach warrants to all tax rolls of the city, and shall perform such other duties as are or may be pre-

therefrom by the council for corrupt or wilful malfeasance or misfeasance in office, or for wilful neglect of the duties of his office, or for any violation of any of the ordinances of the council, by a two-thirds vote of all the aldermen elect. In such case the reason for removal shall be entered in the records of the council, with the names and votes of the members voting on the question. No officer holding office by election shall be removed by the council, unless first furnished with a copy of the charges against him, in writing, and allowed to be heard in his defense, with the aid of counsel. The council shall have power to issue subpoenas, under the hand of the mayor or their chairman, to compel the attendance of witnesses and the production of papers, and shall proceed within twenty days after the service of a copy of the charges to hear and determine the same. If such officer shall neglect to appear and answer such charges, his default shall be deemed good cause for removal. Every person appointed by the council shall take and subscribe the constitutional oath of office, and file the same with the recorder within ten days after such appointment. Every person so appointed shall execute an official bond or undertaking in the manner and within the time which may be prescribed by the council.

Persons appointed by council shall take oath.

SEC. 9. Resignations of officers shall be made in writing to the council and shall be subject to its approval and acceptance. Whenever any alderman shall remain absent from the sessions of the council for a period of four successive weeks, he shall be deemed to have vacated his office, unless unavoidably absent on account of sickness or for any other reason which the council, in its discretion, may deem a good and sufficient excuse for such absence. In case of death, absence from the meetings of the council for four successive weeks without cause thereafter deemed by the council to be good and sufficient, and in case of resignation, removal from office, neglect to qualify, removal from the city or ward for which he was elected, or permanent disability to perform the duties of the office to which he was elected, of any person holding an elective office, except judicial officers, the council shall appoint some person, eligible under the charter, to serve in such office until the next annual charter election, and until his successor is elected and qualified. At such annual charter election the vacancy shall be filled for the residue of the unexpired term.

Resignation and filling vacancies.

SEC. 12. The members of the said board of fire commissioners shall serve without compensation, and no member thereof shall hold any other political office, and they shall be exempt from jury duties while so serving. Every officer and employe in said department now or hereafter appointed shall hold office and retain his position during good behavior, and no such officer or employe shall be discharged, except for cause, and after a hearing before and investigation by said board under such rules and regulations as said board may prescribe. The board of fire commissioners shall be the absolute and final judges as to the existence and sufficiency of cause for removal. No appeal from their decision shall be had, taken or

Board of fire commissioners.

Officers and employes to retain their positions during good behavior.

[ No. 456. ]

AN ACT to provide for and authorize proceedings for legally establishing the so called Ox Bow lake drain in the township of Riverton, Mason county, Michigan, and to provide for and authorize the assessment and collection of taxes therefor.

Preamble.

WHEREAS, A certain drain known and described as the Ox Bow lake drain was attempted to be established in the said township of Riverton in the years eighteen hundred eighty-three and eighteen hundred eighty-four, under the drain laws then in force, and was actually constructed and drain orders issued in payment therefor; and

WHEREAS, Only a small portion of the taxes levied and assessed for such drain were ever collected because of the illegality and invalidity of the proceedings had to establish such drain from the beginning, said assessment having been declared illegal and void because of the illegality of such proceedings by the circuit court in chancery for the county of Mason, and the collecting of such taxes enjoined; and

WHEREAS, A large amount of such drain orders remain unpaid, and there is no fund from which the owners of said orders can obtain the payment thereof, and no way of raising such a fund without legislative proceeding therefor; and

WHEREAS, The said township of Riverton, and the owners of the lands benefited by said drain are now and have been since the establishment thereof enjoying the benefits and advantages of said drain; therefore:

Drain commissioner to apply to probate court for appointment of commissioners.

SECTION 1. *The People of the State of Michigan enact,* That upon the application of any party interested in such drain, or the holder of any order or bond issued for the construction of the same, the drain commissioner of said township shall immediately make application to the probate court of said county for the appointment of three special commissioners, who shall be resident freeholders of the county, to determine the necessity for such drain and for the taking of private property for the use and benefit of the public for the purpose thereof; such application shall be made in writing and shall set forth the fact that said drain was constructed, describing the drain by the name given it at the time of its attempted establishment, and also giving the route thereof, and the description or descriptions of land owned by each person that is affected by the drain, and the description or descriptions of land owned by non-residents or non-owners affected by said drain.

Proceedings when township drain commissioner is interested party.

SEC. 2. When application shall be made to the township drain commissioner for the reestablishment of such drain, and it shall appear to such commissioner that he is interested in said drain by reason of its traversing any of his lands, or benefiting them so that he may be liable to be assessed for benefits for the construction thereof, or that he is otherwise interested



county clerk of Bay county: *Provided*, That not more than two such elections on the question of issuing bonds as aforesaid shall be held in any one year: *Provided, however*, That the common council of the city of Bay City shall have the power and shall be authorized during the year eighteen hundred ninety-five to raise by loan the sum of fifty thousand dollars, to be used and applied in completing the city hall now in course of construction in said city; and to secure such loan by the bonds of said city, payable at such times, not less than twenty years after date of issue, and with such rate of interest, not exceeding five per cent per annum, as said common council shall determine. The moneys obtained by such loan and sale of bonds shall be deposited with the treasurer of Bay City to the credit of the city hall construction fund, and drawn out upon warrants in the same manner as provided in section forty-eight of the charter of Bay City; such funds to be used for no other purpose except the construction and completion of said city hall.

Loan authorized  
in 1895.

Issue of bonds.

To be used for  
construction of  
city hall.

SEC. 81. The common council of Bay City shall also have the power, within said city, to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they may deem desirable for the following purposes: To license and regulate the keeping of hotels, taverns and other public houses, groceries, and keeping of ordinary saloons, and victualing and other houses and places for furnishing meals, food or drink; to restrain, license and regulate saloons and to regulate and prescribe the location thereof, and to regulate and restrain the keepers of billiard tables and bowling alleys; also to license and regulate or prohibit auctioneers, hawkers and peddlers and pawnbrokers, and to regulate auctions, hawking and pawnbrokerage.

Council to enact  
ordinances.

To license and  
regulate hotels,  
groceries and  
saloons.

Billiard tables  
and bowling  
alleys.

Auctioneers,  
peddlers and  
pawnbrokers.

Duties of  
recorder.

SEC. 95. The recorder shall be clerk of the council and shall give bond for the faithful performance of his duties in such sum as the council shall by ordinance direct, and shall keep a manuscript record of their proceedings in the manner and as directed by the council in the proper books provided therefor, and shall open and keep books of account and such other books of receipts and expenditures as the council may direct, and in such form and manner as they may order. He shall also perform for the city all such duties as township clerks are required by law to perform for the several townships, in regard to filing and registering chattel mortgages and bills of sale, and for such services he shall receive the same fees and compensation as they are entitled to receive under the laws of this State. He shall keep a record of all ordinances, and of the time of their publication, which record shall be signed by the mayor and recorder. No ordinance subjecting any person to fine or imprisonment shall take effect until it shall have been published for at least one week in the official newspaper of said city.

Fees of.

Publication of  
ordinances.

When to be published.	<p>citation, so far as it affects non-resident owners of lands and all other persons not personally served with notice, shall be published in some newspaper published and circulated in the county in which such lands are located, for at least two weeks previous to the day of hearing, which publication shall be deemed to be sufficient notice to all parties interested in such drain upon whom personal service is not required by the foregoing provisions. The first publication of such notice shall be at least fourteen full days before the day of hearing, and proof of its publication shall be made as above provided in case of personal service.</p>
Hearing by probate court.	<p>SEC. 5. The court to whom such application is made shall, at the time and place fixed in the citation, or at any time to which it may adjourn, and upon proof of service and publication, where required, proceed to hear all persons whose estate or interests are to be affected by the proceedings, and such persons may show cause against the prayer set forth in the application, and may disprove any of the facts therein alleged, and said court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the</p>
Court to appoint special commissioners.	<p>prayer set forth in said application, said court shall make an order appointing three disinterested and competent resident freeholders of the county as special commissioners to ascertain and determine the necessity for such drain, and to appraise and determine the damages or compensation to be allowed to the owners or parties interested in the real estate taken for the right</p>
Court to appoint meeting of special commissioners.	<p>of way of such drain. Such court shall, immediately upon the appointment of such commissioners, and with the concurrence of the drain commissioner, appoint a time and place, such time to be not less than five nor more than fifteen days thereafter, at which such special commissioners shall meet the drain commissioner and other parties in interest to consider the matters and things with respect to which they have been appointed, and such court shall make public announcement thereof, and thereupon the proceeding shall be considered a continuing proceeding, and no further notice of the time and place of hearing shall be required, and such appointment and announcement shall be made a part of the record in the case.</p>
Drain commissioner to notify special commissioners.	<p>SEC. 6. If the court shall grant the prayer set forth in the application, it shall proceed to deliver to the drain commissioner a copy of the order appointing the special commissioners, and the drain commissioner shall notify such special commissioners of their appointment and of the time and place they are required to meet with him and with the other parties in interest. They shall be sworn to faithfully discharge the duties of special commissioners in the matter in which they are called to act, and to well and truly determine the necessity of such drain, and of the taking of private property for the use and benefit of the public for the purpose thereof, and the just compensation to be paid therefor. The said commissioners with the drain commissioner and other parties in interest who may be present, shall meet at the time and place ordered by the court, and proceed at that time, or at any time to which</p>
Proceedings of special commissioners to view premises.	

scribed by this act and the charter, or by ordinances of the council, not inconsistent herewith.

SEC. 119. At all city elections, every elector shall vote in the ward where he shall have resided twenty days preceding the day of election; otherwise he may vote in the ward from which he removed: *Provided*, He shall have resided in such ward twenty days prior to such removal. The residence of any elector under this act shall be the ward where he boards or takes his regular meals.

*Residence of electors.*

SEC. 161. The police court shall have exclusive and original jurisdiction to hear, try and determine all criminal cases wherein the crime, misdemeanor or offense charged shall have been committed within the corporate limits of the city of Bay City, or upon any lands, tenements or hereditaments, owned or occupied by or under the authority of the city of Bay City, within the county of Bay, and which crime, misdemeanor or offense would be, now or hereafter, cognizable by a justice of the peace, if the same had been committed in any other part of the State, to entertain, conduct and dispose of all preliminary examinations into crimes, misdemeanors or offenses which shall have been committed within the corporate limits of Bay City, to hear, try and determine, or otherwise lawfully entertain, conduct and dispose of all cases and proceedings arising within the corporate limits of the city of Bay City, under the laws of this State, relative to disorderly persons, illegitimate children, fugitives from justice from other states and foreign countries, the preservation of the public peace and the prevention of crime: *Provided, however*, That this act shall not be in any wise construed to interfere with or affect any of the powers of, or the authority conferred by law upon the grand jury of the county of Bay. The police court shall have concurrent jurisdiction with the recorder's court of the city of Bay City to hear, try and determine cases arising under all the ordinances and by-laws of Bay City, now in force, and which may hereafter be adopted by the common council; and any persons arrested for a breach of any such by-laws and ordinances shall be discharged from custody upon entering into a recognizance in a sum not exceeding the penalty for the violation of the same, and with sureties satisfactory to the officer taking said recognizance, conditioned for the appearance of such person to answer to any complaint that may be preferred against him or her. Said police justice shall have power to take said recognizance, and it shall be the duty of the officer having such person in custody to produce him before said justice for the purpose of giving such bail when required so to do.

*Jurisdiction of police court.*

*Concurrent jurisdiction with recorder's court.*

*Police justice may take recognizance.*

This act is ordered to take immediate effect.

Approved May 31, 1895.

Proceedings to be dismissed if drain is unnecessary.

SEC. 10. In case the special commissioners shall decide such drain unnecessary, they shall so state in their return, and the drain commissioner shall thereupon dismiss the proceedings, and no further application for the same object shall be entertained.

Drain orders, how drawn.

SEC. 11. The drain commissioner shall draw his orders severally on the county or township treasurer, as the case may be, for the amounts awarded in the return of the special commissioners, describing in each order the lands in payment whereof it is drawn; and such order shall be tendered by the drain commissioner to the party entitled thereto, provided that if the owner of any lands upon which damages have been awarded be unknown, and such lands be not occupied, or in case of a minor, an insane or otherwise incompetent person, such order shall be deposited with the county or township clerk, as the case may be, payable to the owner of such description of land upon which such damages are awarded. Such order shall be held by such clerk, to be delivered by him to the owner of such lands when called for, or otherwise legally demanded, and the same shall thereby be deemed to have been legally tendered to the owner of such lands. It shall be the duty of such county or township treasurer at any time upon presentation to him of any such drain order, drawn for the payment of said right of way or damages, to pay the same out of the moneys in his hands belonging to the general fund of said county or township, and refund such amount out of the first moneys collected by him on account of such drain.

When to be deposited with clerk.

When treasurer to pay orders.

When commissioner to make legal tender.

SEC. 12. If the owner of any lands upon which such damages have been awarded shall upon the tender of such order to him, refuse to accept the same, the commissioner shall make such tender in legal money, and for that purpose he shall be authorized to endorse such order and present the same to the township or county treasurer, as the case may be, for payment and it shall be the duty of such treasurer to pay such order as hereinbefore provided. If, however, there shall be no money in the general fund of such township or county treasury, the commissioner shall be authorized to have such order discounted, wherefore he may be able to do so, provided that such discount shall not be more than at the rate of ten per cent per annum, and he shall charge the amount of such discount to the expense and cost of such drain, and draw his order therefor. The commissioner shall thereupon make to such owner a tender in lawful money of the amount awarded to him, and if he shall refuse to accept such money, the commissioner shall deposit the same with the county or township treasurer, as the case may be, taking duplicate receipts therefor, one of which he may retain and the other he shall file with the county or township clerk, as the case may be. Such money shall be held by said treasurer to be delivered by him to such owner when called for, or otherwise legally demanded.

Commissioner may have order discounted.

When to deposit money with county treasurer.

Release of abutting owners along highway to be obtained for drain.

SEC. 13. In case said drain is laid along and within the limits of or across any public highway, the owners of lands abutting on the side of the highway along which said drain is

laid, shall be considered as still owning the fee of such land, and it shall be necessary, unless such owners shall have severally executed and delivered, or shall severally execute and deliver to the drain commissioner a release of their rights to so much of said highway as is necessary for the right of way of said drain, and for all damages on account thereof, that the same proceedings be had to obtain such release as is provided in this act for the obtaining of private lands.

SEC. 14. All that part of such drain which is laid and constructed along or within the limits of or across any public highway shall be under the jurisdiction of the overseer of highways, and it shall be his duty to keep the same open and free from all obstructions, and when any highway is subsequently constructed along or across such drain, then so much of said drain as shall come within the limits of such highway shall also be kept open and free from obstructions as above provided.

Drain along highways to be in charge of overseer of highways.

SEC. 15. If such drain crosses a highway the cost of constructing the necessary bridge or culvert shall be charged in the first instance as a part of the construction of such drain, but the cost of afterwards maintaining said bridge or culvert shall be as a part of the highway. If such drain passes along a highway, and bridges shall have been constructed across it connecting the highway with the enclosed fields and with farm entrances, as provided in section twenty-one of act number two hundred twenty-seven of the session laws of eighteen hundred eighty-five, the cost of the original construction of said bridge or bridges shall be included as a part of the consideration of such drain.

Construction and maintenance of bridges across highway.

SEC. 16. If such special commissioners, in their return, determine that said drain was at the time of its construction and still is necessary and conducive to the public health, convenience and welfare, the said drain commissioner shall upon the filing of said commissioner's report make a final order establishing said drain by the name originally given it at the time of its attempted establishment.

When commissioner to make final order establishing drain.

SEC. 17. Said drain commissioner shall at the time of making such order fix a time and place for hearing the parties who may be interested therein as to what was the reasonable and necessary cost of construction of said drain, and as to how much thereof and of the expenses of the proceedings under this act should be assessed on the township at large, and as to on what lands and in what proportion the balance thereof shall be assessed. He shall give not less than ten days notice of the time and place at which he will determine such reasonable and necessary cost and make such assessment by posting notices thereof in five or more public places in said township, and by causing a notice thereof to be published not less than two insertions in one or more weekly newspapers published and of general circulation in the county.

Drain commissioner to appoint hearing.

Notice of hearing to be given.

SEC. 18. Previous to such day of hearing said commissioner shall determine what in his opinion was the reason-

Drain commissioner to determine cost of construction.

To determine  
and apportion  
assessments.

able and necessary cost of construction of such drain, which shall not exceed the actual price at which the contracts were let for doing the actual work of construction under the former proceedings and the cost of the proceedings had under this act, and shall also determine the amount of such cost to be assessed upon the township at large, and assess the balance of such reasonable and necessary cost against the lands benefited by the construction of said drain in proportion to the amount each parcel is benefited hereby and upon the principle of benefits derived. In determining the reasonable and necessary cost of such drain, the commissioner shall not include the amounts expended or incurred as expense of laying out and establishing the drain under the former proceedings had for that purpose, but shall include the reasonable cost of actually constructing the said drain, and in determining such reasonable and necessary cost, the prices at which the contracts were let may be considered, but the reasonable and necessary cost of such construction shall not be found to exceed the amount actually paid therefor under the former proceedings; and to the amount for the cost of construction shall be added the cost of the proceedings provided for by this act, including the commissioners' fees, special commissioners' fees, expenses, etc.

Highway commissioner to appear at hearing on behalf of township.

SEC. 19. At such day of hearing the highway commissioner of said township may appear in behalf of the township; at such day and place of hearing the commissioner shall hear the proofs and allegations of the parties in interest, and shall carefully consider and review his assessment of the amount which said township shall pay, and the amount assessed on pieces or parcels of land in addition thereto for benefits derived, and shall correct, if necessary, such assessments so that they shall be just and equitable.

Descriptions of  
lands.

SEC. 20. All descriptions of land under the provisions of this act shall be made by giving the legal subdivisions thereof whenever practicable, and when the tract of land which is to be benefited or affected by said drain is less than such legal subdivision, it may be described by designation of the lot or other boundaries, or in some other way by which it may be known.

Assessment of  
part paid school  
and State lands.

Assessment of  
State lands.

SEC. 21. Part paid school and State lands shall be assessed their per cent apportioned for benefits, and the collection thereof shall be enforced as State and county taxes against such lands are collected and enforced; State lands shall be included in all assessments for benefits the same as other lands, but the sum of all such drain taxes that may be assessed against any tract of said lands, including all other taxes heretofore paid upon the same, shall not aggregate a sum greater than fifty per cent of the price at which such lands are held by the State exclusive of any such taxes that may have been previously paid; any amount apportioned and assessed upon State lands shall be reported by the supervisor to the Commissioner of the State Land Office within ten days after the delivery of his roll to the township treasurer; said treasurer shall enter on the books of his office against each description of such

they may adjourn, to view the said premises, and for such purpose they shall have the right to enter upon any lands traversed by the route of such drain.

SEC. 7. The said special commissioners shall hear the proofs and allegations of the several parties in interest, and shall ascertain and determine the necessity for such drain, both at the time of its construction and at the time of their determination, and for the taking of private property for the use and benefit of the public for the purpose thereof, and the just compensation to be made therefor, in each case, which compensation shall be determined without reference to any benefits which have accrued or may accrue to the land in consequence of the construction of such drain; but where any owner or those through whom he claims was awarded and received compensation under the former proceedings the amount then paid him shall be deducted from his award under this act; nor shall any compensation be awarded to any person who, in the former proceedings, or in the proceedings under this act, shall have executed a release of the right of way for said drain and of all damages to his or her property because of the construction thereof, as provided for by the law under which said drain was attempted to be established, or as provided for by act number two hundred twenty-seven of the session laws for the year eighteen hundred eighty-five. The commissioners may adjourn from day to day for any cause not exceeding in all ten days, announcement of which adjournment shall then and there be publicly made. There shall be produced by the drain commissioner at such hearing copies of the application to the probate court with the citation annexed and the order appointing the special commissioners.

To hear proofs and allegations.

To determine necessity for drain and for taking private property.

To award compensation.

Compensation after previous award.

Compensation not to be awarded after release of right of way.

Commissioners may adjourn proceedings.

Drain commissioner to produce copy of application, citation and order appointing commissioner.

Special commissioners to make written return of their proceedings.

SEC. 8. The said special commissioners shall, within fifteen days from the date of their first meeting make a return in writing of their hearing, determination, and of their several awards, and shall file said return with the drain commissioner. Said return shall contain a description of all lands for the condemnation of which they have allowed no compensation because of the owners thereof having executed releases as provided for in this act. Such return shall be deemed a sufficient conveyance to vest the fee of the lands necessary to be taken for such drain, and upon which damages are awarded in the township in which they are situated, in trust to and for the uses and purpose of drainage, and for no other purpose or purposes whatever, provided that the amount of compensation that may be awarded therefor shall have been paid or tendered or secured to the persons entitled thereto, as hereinafter provided.

SEC. 9. If at any time before the filing of the return of said commissioners any person through whose land the drain passes shall execute a release of right of way and all damages on account thereof, and deliver the same to the said commissioner, their award of damages to such person shall be null and void, and if any order has been issued in payment of said damages, as hereinafter provided, said order shall be canceled.

Award of damages to be void if release of right of way is obtained.

Collection of  
drain taxes.

SEC. 26. All drain taxes assessed under the provisions of this act shall be collected in the same manner as State and other general taxes are collected, and collecting officers are hereby vested with the same power and authority in the collection of such taxes as are or may be conferred by law for collecting general taxes. All taxes levied under the provisions of this act, with all lawful costs, interest and charges, shall be and remain a perpetual lien upon the lands upon which they are assessed, and a personal claim against the owner or owners of such lands until they are paid, except as herein otherwise provided for.

Former pay-  
ments to be de-  
ducted in collec-  
tion of tax.

SEC. 27. In any case where a piece or parcel of land was assessed for benefits from the construction of said drain under the former proceedings had to establish it, and such assessment was paid, and the same piece or parcel of land shall be again assessed under this act, the amount of such former payment shall be deducted by the collecting officer from the amount assessed against said piece or parcel of land under the provisions of this act, and the balance, if any, collected; and should such former payment equal or exceed the assessments made under the provisions of this act, said assessment shall for that reason be canceled and discharged by the collecting officer. And in a case where the amount assessed against any piece or parcel of land under the former proceedings as its share of the amount spread upon the township at large for benefit to the public health or public highways from said drain shall have been paid, the amount of such payment shall be deducted by the collecting officer from the amount of the assessment under this act, and the balance, if any, collected; and in case any person shall have paid such an assessment under the former proceedings on his or her personal property, the amount of such payment shall be in like manner deducted from any assessment made against his or her personal property under the provisions of this act, and said collecting officer shall note upon his roll as to how much was paid in cash and how much deducted for former payment.

Return of uncol-  
lected taxes.

SEC. 28. If the taxes levied for the construction of said drain are not collected by the township treasurer, they shall be by him returned, together with the lands upon which they are levied, to the county treasurer in the same return, at the same time and in the same manner in every respect, naming the particular drain, as lands are returned for State, county and township taxes, and such taxes shall follow such lands, the same as all such other taxes, and all the general provisions of law now existing or that may be hereafter enacted for enforcing the payment of township, county and State taxes, shall apply to such drain taxes, and to the lands returned delinquent therefor, in the same manner and with like effect.

Drain commis-  
sioner to draw  
orders on drain  
fund.

SEC. 29. All orders for the payment of lands for right of way and for services rendered and work performed under the provisions of this act, shall be drawn by the commissioner upon the drain fund of this particular drain, and shall be paid first, or a sufficient amount retained by the treasurer to pay



laid, shall be considered as still owning the fee of such land, and it shall be necessary, unless such owners shall have severally executed and delivered, or shall severally execute and deliver to the drain commissioner a release of their rights to so much of said highway as is necessary for the right of way of said drain, and for all damages on account thereof, that the same proceedings be had to obtain such release as is provided in this act for the obtaining of private lands.

SEC. 14. All that part of such drain which is laid and constructed along or within the limits of or across any public highway shall be under the jurisdiction of the overseer of highways, and it shall be his duty to keep the same open and free from all obstructions, and when any highway is subsequently constructed along or across such drain, then so much of said drain as shall come within the limits of such highway shall also be kept open and free from obstructions as above provided.

Drain along highways to be in charge of overseer of highways.

SEC. 15. If such drain crosses a highway the cost of constructing the necessary bridge or culvert shall be charged in the first instance as a part of the construction of such drain, but the cost of afterwards maintaining said bridge or culvert shall be as a part of the highway. If such drain passes along a highway, and bridges shall have been constructed across it connecting the highway with the enclosed fields and with farm entrances, as provided in section twenty-one of act number two hundred twenty-seven of the session laws of eighteen hundred eighty-five, the cost of the original construction of said bridge or bridges shall be included as a part of the consideration of such drain.

Construction and maintenance of bridges across highway.

SEC. 16. If such special commissioners, in their return, determine that said drain was at the time of its construction and still is necessary and conducive to the public health, convenience and welfare, the said drain commissioner shall upon the filing of said commissioner's report make a final order establishing said drain by the name originally given it at the time of its attempted establishment.

When commissioner to make final order establishing drain.

SEC. 17. Said drain commissioner shall at the time of making such order fix a time and place for hearing the parties who may be interested therein as to what was the reasonable and necessary cost of construction of said drain, and as to how much thereof and of the expenses of the proceedings under this act should be assessed on the township at large, and as to on what lands and in what proportion the balance thereof shall be assessed. He shall give not less than ten days notice of the time and place at which he will determine such reasonable and necessary cost and make such assessment by posting notices thereof in five or more public places in said township, and by causing a notice thereof to be published not less than two insertions in one or more weekly newspapers published and of general circulation in the county.

Drain commissioner to appoint hearing.

Notice of hearing to be given.

SEC. 18. Previous to such day of hearing said commissioner shall determine what in his opinion was the reason-

Drain commissioner to determine cost of construction.

orders can obtain the payment thereof, and no way of raising such a fund without legislative proceeding therefor; and

WHEREAS, The said township of Riverton, and the owners of the lands benefited by said drain are now and have been since the establishment thereof enjoying the benefits and advantages of said drain; therefore:

On application of parties interested, special commissioners to be appointed, duty of.

SECTION 1. *The People of the State of Michigan enact,* That upon the application of any party interested in such drain, the holder of any order or bond issued for the construction of the same, the drain commissioner of said township shall immediately make application to the probate court of said county for the appointment of three special commissioners, who shall be resident freeholders of the county, to determine the necessity for such drain and for the taking of private property for the use and benefit of the public for the purpose thereof; such application shall be made in writing and shall set forth the fact that said drain was constructed, describing the drain by the name given it at the time of its attempted establishment, and also giving the route thereof, and the description or descriptions of land owned by each person that is affected by the drain, and the description or descriptions of land owned by non-residents or non-owners affected by said drain.

When it shall appear that the drain commissioner is interested by reason of owning land traversed thereby, application to be transferred to county commissioner.

SEC. 2. When application shall be made to the township drain commissioner for the reestablishment of such drain, and it shall appear to such commissioner that he is interested in said drain by reason of its traversing any of his lands, or benefiting them so that he may be liable to be assessed for benefits for the construction thereof, or that he is otherwise interested therein, then such commissioner, before taking any action thereon, shall transfer such application to the county drain commissioner, who shall thereupon have complete jurisdiction over such application and the drain proposed to be reestablished thereunder, and shall proceed in the same manner as the township drain commissioner would have done under the provisions of this act had he not been interested therein.

Probate court to appoint time and place for hearing application.

SEC. 3. The said probate court, upon the filing of said application, shall at once appoint a time and place of hearing upon the application, which time shall be fixed not less than thirty nor more than forty days thereafter, and the court shall issue a citation to all persons whose lands are traversed by such drain, or will be liable to assessment for benefits from the construction thereof, to appear at the time and place designated in said citation and be heard with respect to such application, if they so desire, and show cause, if any there be, why said application should not be granted.

Citation, what to recite.

SEC. 4. The citation shall recite that an application has been made to said court for the appointment of three special commissioners to determine as to the necessity of said drain, describing it by its name, and to condemn private property and assess the damages therefor, in case said drain is found to

lands the amount of drain taxes assessed thereon, and shall certify the same to the Auditor General, who shall draw his warrant on the State treasurer therefor, to be paid out of any funds in his hands not otherwise appropriated; such amounts shall be forwarded by the Commissioner of the State Land Office to the supervisor on or before the fifteenth of January next, and shall by him be applied in payment of such taxes. No patents shall issue for such lands until all such drain taxes are paid, with interest at seven per cent.

SEC. 22. As soon as practicable after such day of hearing the commissioner shall place his assessment as finally made after such hearing in the form of a special assessment roll for such drain, which roll shall be designated "Ox Bow lake drain special assessment roll," and he shall enter thereon a correct description of all the tracts, parcels or subdivisions of land benefited by such drain, and opposite each description the amount finally assessed by him against it for benefits from said drain; he shall also enter thereon the amount apportioned by him to the township to be spread upon the township at large. Such rolls shall be dated and signed by the commissioner and filed on or before the last Wednesday in September of that year, if practicable, and if not, then of the following year, in the office of the clerk of said township.

Drain commissioner to make special assessment roll.

To be filed in office of township clerk.

SEC. 23. The township clerk shall, on or before the first day of October of said year, make and deliver to the supervisor of his township a certified statement of the several amounts of drain taxes to be assessed upon such township at large for the ensuing year, for this particular drain, and also a certified statement of all the descriptions of lands assessed for benefits for said drain and the amounts to be assessed upon each description for such year as determined by the commissioner in his special assessment roll.

Township clerk to deliver statement to supervisor.

SEC. 24. It shall be the duty of the supervisor to spread upon his roll the total amount of all drain taxes determined upon by the commissioner to be assessed upon the township at large as a part [of the township tax for the year in which the same was assessed, and in the same column with the general township tax. He shall also spread upon said roll separately and immediately following the other descriptions, all tracts or parcels of land specified by the commissioner to be assessed for benefits, and shall place opposite each description in the column marked "drain taxes" the amount of taxes apportioned thereon, as certified to him by the township clerk. All drains shall be entered separately, naming each particular drain.

Supervisor to spread drain tax on his roll.

SEC. 25. The supervisor shall, at the time of the delivery of his roll to the treasurer, also furnish him with an itemized statement of the several amounts assessed upon the township at large for this particular drain, naming the drain. He shall also at the same time endorse upon drain special assessment roll on file in the township clerk's office the amount of tax for benefits thereof spread by him on the tax roll of his township for that year, on each description.

Supervisor to furnish treasurer with itemized statement.

Court to appoint time and place at which special commissioners shall meet drain commissioners and others interested.

Drain commissioner to notify special commissioners.

Proceedings of special commissioners to view premises.

To hear proofs and allegations.

To determine necessity for drain and for taking private property.  
To award compensation.

Compensation after previous award.

Compensation not to be awarded after release of right of way.

freeholders of the county as special commissioners to ascertain and determine the necessity for such drain, and to appraise and determine the damages or compensation to be allowed to the owners or parties interested in the real estate taken for the right of way of such drain. Such court shall immediately, upon the appointment of such commissioners, and with the concurrence of the drain commissioner, appoint a time and place, such time to be not less than five nor more than fifteen days thereafter, at which such special commissioners shall meet the drain commissioner and other parties in interest to consider the matters and things with respect to which they have been appointed, and such court shall make public announcement thereof, and thereupon the proceeding shall be considered a continuing proceeding, and no further notice of the time and place of hearing shall be required, and such appointment and announcement shall be made a part of the record in the case.

SEC. 6. If the court shall grant the prayer set forth in the application, it shall proceed to deliver to the drain commissioner a copy of the order appointing the special commissioners, and the drain commissioner shall notify such special commissioners of their appointment and of the time and place they are required to meet with him and with the other parties in interest. They shall be sworn to faithfully discharge the duties of special commissioners in the matter in which they are called to act, and to well and truly determine the necessity of such drain, and of the taking of private property for the use and benefit of the public for the purpose thereof, and the just compensation to be paid therefor. The said commissioners with the drain commissioner and other parties in interest who may be present, shall meet at the time and place ordered by the court, and proceed at that time, or at any time to which they may adjourn, to view the said premises, and for such purpose they shall have the right to enter upon any lands traversed by the route of such drain.

SEC. 7. The said special commissioners shall hear the proofs and allegations of the several parties in interest, and shall ascertain and determine the necessity for such drain, both at the time of its construction and at the time of their determination, and for the taking of private property for the use and benefit of the public for the purpose thereof and the just compensation to be made therefor, in each case, which compensation shall be determined without reference to any benefits which have accrued or may accrue to the land in consequence of the construction of such drain; but where any owner or those through whom he claims was awarded and received compensation under the former proceedings the amount then paid him shall be deducted from his award under this act; nor shall any compensation be awarded to any person who, in the former proceedings or in the proceedings under this act, shall have executed a release of the right of way for said drain and of all damages to his or her property because of the construction thereof, as provided for by the law under which said drain was attempted to be established, or as provided for

them. The balance remaining after deducting sufficient to pay such orders shall be applied *pro rata* to the payment of the orders outstanding for the construction of said drain. It shall be the duty of the treasurer to ascertain as near as possible the amount of such orders outstanding by reference to the records of the former proceedings, and such other sources of information as he may have, and pay such a percentage on each order that all the holders of orders may share equitably and in proportion to the amount of the orders held by them in said fund.

SEC. 30. All other proceedings necessary to be taken for carrying out the purposes of this act and herein not otherwise provided for shall be governed by and taken under the provisions of act number two hundred twenty-seven of the public acts of eighteen hundred eighty-five. Proceedings under act 277 of 1885.

SEC. 31. The provisions of act number two hundred twenty-seven of the public acts of eighteen hundred eighty-five as to the costs and expenses which shall be allowed to the officers, commissioners and other persons who shall do any act in the proceedings to reestablish such drain and assess the taxes therefor shall be regarded as incorporated in this act.

SEC. 32. In case any proceedings instituted under this act should prove invalid because of defects or irregularities therein, proceedings may be instituted anew under this act until valid proceeding have been had therein. Provisions for new proceedings.

This act is ordered to take immediate effect.

Approved June 1, 1895.

[ No. 457. ]

AN ACT to provide for and authorize proceedings for legally establishing the so called State road drain in the township of Riverton, Mason county, Michigan, and to provide for and authorize the assessment and collection of taxes therefor.

WHEREAS, A certain drain known and described as the State road drain was attempted to be established in the said township of Riverton in the years eighteen hundred eighty-three and eighteen hundred eighty-four under the drain laws then in force, and was actually constructed and drain orders issued in payment therefor; and Preamble.

WHEREAS, Only a small portion of the taxes levied and assessed for such drain were ever collected because of the illegality and invalidity of the proceedings had to establish such drain from the beginning, said assessment having been declared illegal and void because of the illegality of such proceedings by the circuit court in chancery for the county of Mason, and the collecting of such taxes enjoined; and

WHEREAS, A large amount of such drain orders remain unpaid, and there is no fund from which the owners of said

When treasurer  
to pay order.

shall be the duty of such county or township treasurer at any time upon presentation to him of any such drain order, drawn for the payment of said right of way or damages, to pay the same out of the moneys in his hands belonging to the general fund of said county or township, and refund such amount out of the first moneys collected by him on account of such drain.

When commis-  
sioner to make  
legal tender.

SEC. 12. If the owner of any lands upon which such damages have been awarded shall, upon the tender of such order to him, refuse to accept the same the commissioner shall make such tender in legal money, and for that purpose he shall be authorized to endorse such order and present the same to the township or county treasurer, as the case may be, for payment, and it shall be the duty of such treasurer to pay such order as hereinbefore provided. If, however, there shall be no money

Commissioners  
may have order  
discontinued.

in the general fund of such township or county treasury, the commissioner shall be authorized to have such order discounted, wherefore he may be able to do so, provided that such discount shall not be more than at the rate of ten per cent per annum, and he shall charge the amount of such discount to the expense and cost of such drain, and draw his order therefor. The commissioner shall thereupon make to such owner a tender in lawful money of the amount awarded to him, and if he shall refuse to accept such money, the commissioner shall deposit the same with the county or township treasurer, as the case may be, taking duplicate receipts therefor one of which he may retain, and the other he shall file with the county or township clerk, as the case may be. Such money shall be held by said treasurer to be delivered by him to such owner when called for, or otherwise legally demanded.

When to deposit  
money with  
county treas-  
urer.

Release of abut-  
ting owners  
along highway  
to be obtained  
for drain.

SEC. 13. In case said drain is laid along and within the limits of or across any public highway, the owners of lands abutting on the side of the highway along which said drain is laid, shall be considered as still owning the fee of such land, and it shall be necessary, unless such owners shall have severally executed and delivered, or shall severally execute and deliver to the drain commissioner a release of their rights to so much of said highway as is necessary for the right of way of said drain, and for all damages on account thereof, that the same proceedings be had to obtain such release as is provided in this act for the obtaining of private lands.

Drain along  
highway to be  
in charge of  
overseer of  
highways.

SEC. 14. All that part of such drain which is laid and constructed along or within the limits of or across any public highway shall be under the jurisdiction of the overseer of highways, and it shall be his duty to keep the same open and free from all obstructions, and when any highway is subsequently constructed along or across such drain, then so much of said drain as shall come within the limits of such highway shall also be kept open and free from obstructions as above provided.

Construction  
and mainten-  
ance of bridges  
across high-  
ways.

SEC. 15. If such drain crosses a highway the cost of constructing the necessary bridge or culvert shall be charged in the first instance as a part of the construction of such drain, but the cost of afterwards maintaining said bridge or culvert shall be as a part of the highway. If such drain passes along

a highway, and bridges shall have been constructed across it connecting the highway with the enclosed fields and with farm entrances, as provided in section twenty-one of act number two hundred twenty-seven of the session laws of eighteen hundred eighty-five, the cost of the original construction of said bridge or bridges shall be included as a part of the consideration of such drain.

SEC. 16. If such special commissioners in their return determine that said drain was at the time of its construction and still is necessary and conducive to the public health, convenience and welfare, the said drain commissioner shall upon the filing of said commissioner's report make a final order establishing said drain by the name originally given it at the time of its attempted establishment.

When commissioner to make final order establishing drain.

SEC. 17. Said drain commissioner shall at the time of making such order fix a time and place for hearing the parties who may be interested therein as to what was the reasonable and necessary cost of construction of said drain, and as to how much thereof and of the expenses of the proceedings under this act should be assessed on the township at large, and as to on what lands and in what proportion the balance thereof shall be assessed. He shall give not less than ten days' notice of the time and place at which he will determine such reasonable and necessary cost and make such assessment by posting notices thereof in five or more public places in said township, and by causing a notice thereof to be published not less than two insertions in one or more weekly newspapers published and of general circulation in the county.

Drain commissioner to appoint hearing.

Notice of hearing to be given.

SEC. 18. Previous to such day of hearing said commissioner shall determine what in his opinion was the reasonable and necessary cost of construction of such drain, which shall not exceed the actual price at which the contracts were let for doing the actual work of construction under the former proceedings, and the cost of the proceedings had under this act, and shall also determine the amount of such cost to be assessed upon the township at large, and assess the balance of such reasonable and necessary cost against the lands benefited by the construction of said drain in proportion to the amount each parcel is benefited hereby and upon the principle of benefits derived. In determining the reasonable and necessary cost of such drain, the commissioner shall not include the amounts expended or incurred as expense of laying out and establishing the drain under the former proceedings had for that purpose, but shall include the reasonable cost of actually constructing the said drain, and in determining such reasonable and necessary cost the prices at which the contracts were let may be considered, but the reasonable and necessary cost of such construction shall not be found to exceed the amount actually paid therefor under the former proceedings; and to the amount for the cost of construction shall be added the cost of the proceedings provided for by this act, including the commissioners' fees, special commissioners' fees, expenses, etc.

Drain commissioner to determine cost of construction.

To determine and apportion assessments.

SEC. 19. At such day of hearing the highway commissioner of said township may appear in behalf of the township; at

Highway commissioner to appear at hearing in behalf of township.

such day and place of hearing the commissioner shall hear the proofs and allegations of the parties in interest, and shall carefully consider and review his assessment of the amount which said township shall pay, and the amount assessed on pieces or parcels of land in addition thereto for benefits derived, and shall correct, if necessary, such assessments so that they shall be just and equitable.

Description of lands.

SEC. 20. All descriptions of land under the provisions of this act shall be made by giving the legal subdivisions thereof, whenever practicable, and when the tract of land which is to be benefited or affected by said drain is less than such legal subdivision, it may be described by designation of the lot or other boundaries, or in some other way by which it may be known.

Assessment of part paid school and State lands.

SEC. 21. Part paid school and State lands shall be assessed their per cent apportioned for benefits, and the collection thereof shall be enforced as State and county taxes against such lands are collected and enforced; State lands shall be included in all assessments for benefits the same as other lands, but the sum of all such drain taxes that may be assessed against any tract of said lands, including all other taxes heretofore paid upon the same, shall not aggregate a sum greater than fifty per cent of the price at which such lands are held by the State, exclusive of any such taxes that may have been previously paid; any amount apportioned and assessed upon State lands shall be reported by the supervisor to the Commissioner of the State Land Office within ten days after the delivery of his roll to the township treasurer; said treasurer shall enter on the books of his office against each description of such lands the amount of drain taxes assessed thereon, and shall certify the same to the Auditor General, who shall draw his warrant on the State Treasurer therefor, to be paid out of any funds in his hands not otherwise appropriated; such amounts shall be forwarded by the Commissioner of the State Land Office to the supervisor on or before the fifteenth of January next, and shall by him be applied in payment of such taxes. No patents shall issue for such lands until all such drain taxes are paid, with interest at seven per cent.

Drain commissioner to make special assessment roll.

SEC. 22. As soon as practicable after such day of hearing the commissioner shall place his assessment as finally made after such hearing in the form of a special assessment roll for such drain, which roll shall be designated "State road drain special assessment roll," and he shall enter thereon a correct description of all the tracts, parcels, or subdivisions of land benefited by such drain, and opposite each description the amount finally assessed by him against it for benefits from said drain; he shall also enter thereon the amount apportioned by him to the township to be spread upon the township at large. Such rolls shall be dated and signed by the commissioner and filed on or before the last Wednesday in September of that year, if practicable, and if not, then of the following year, in the office of the clerk of said township.

To be filed in office of township clerk.

SEC. 23. The township clerk shall, on or before the first day of October of said year make and deliver to the supervisor



of his township a certified statement of the several amounts of drain taxes to be assessed upon such township at large for the ensuing year, for this particular drain, and also a certified statement of all the descriptions of lands assessed for benefits for said drain and the amounts to be assessed upon each description for such year as determined by the commissioner in his special assessment roll.

*Township clerk to deliver statement to supervisor.*

SEC. 24. It shall be the duty of the supervisor to spread upon his roll the total amount of all drain taxes determined upon by the commissioner to be assessed upon the township at large as a part of the township tax for the year in which the same was assessed, and in the same column with the general township tax. He shall also spread upon said roll separately and immediately following the other descriptions, all tracts or parcels of land specified by the commissioner to be assessed for benefits, and shall place opposite each description in the column marked "drain taxes" the amount of taxes apportioned thereon, as certified to him by the township clerk. All drains shall be entered separately, naming each particular drain.

*Supervisor to spread drain tax on his roll.*

SEC. 25. The supervisor shall, at the time of the delivery of his roll to the treasurer, also furnish him with an itemized statement of the several amounts assessed upon the township at large for this particular drain, naming the drain. He shall also at the same time endorse upon drain special assessment roll on file in the township clerk's office the amount of tax for benefits thereof spread by him on the tax roll of his township for that year, on each description.

*Supervisor to furnish treasurer with itemized statement.*

SEC. 26. All drain taxes assessed under the provisions of this act shall be collected in the same manner as State and other general taxes are collected, and collecting officers are hereby vested with the same power and authority in the collection of such taxes as are or may be conferred by law for collecting general taxes. All taxes levied under the provisions of this act, with all lawful costs, interests and charges, shall be and remain a perpetual lien upon the lands upon which they are assessed, and a personal claim against the owner or owners of such lands until they are paid, except as herein otherwise provided for.

*Collection of drain taxes.*

SEC. 27. In any case where a piece or parcel of land was assessed for benefits from the construction of said drain under the former proceedings had to establish it, and such assessment was paid, and the same piece or parcel of land shall be again assessed under this act, the amount of such former payment shall be deducted by the collecting officer from the amount assessed against said piece or parcel of land under the provisions of this act, and the balance, if any, collected; and should such former payment equal or exceed the assessments made under the provisions of this act, said assessment shall for that reason be canceled and discharged by the collecting officer. And in a case where the amount assessed against any piece or parcel of land under the former proceedings as its share of the amount spread upon the township at large for benefit to the public health or public highways from said drain shall have been paid, the amount of such payment shall be deducted by

*Former payments to be deducted in collection of tax.*

the collecting officer from the amount of the assessment under this act, and the balance, if any, collected; and in case any person shall have paid such [an] assessment under the former proceedings on his or her personal property, the amount of such payment shall be in like manner deducted from any assessment made against his or her personal property under the provisions of this act, and said collecting officer shall note upon his roll as to how much was paid in cash and how much deducted for former payment.

Return of un-  
collected taxes.

SEC. 28. If the taxes levied for the construction of said drain are not collected by the township treasurer, they shall be by him returned together with the lands upon which they are levied, to the county treasurer in the same return, at the same time and in the same manner, in every respect, naming the particular drain, as lands are returned for State, county and township taxes, and such [taxes] shall follow such lands, the same as all such other taxes, and all the general provisions of law now existing or that may be hereafter enacted for enforcing the payment of township, county and State taxes, shall apply to such drain taxes, and to the lands returned delinquent therefor, in the same manner and with like effect.

Drain commis-  
sioner to draw  
orders on drain  
fund.

SEC. 29. All orders for the payment of lands for right of way and for services rendered and work performed under the provisions of this act, shall be drawn by the commissioner upon the drain fund of this particular drain, and shall be paid first, or a sufficient amount retained by the treasurer to pay them. The balance remaining after deducting sufficient to pay such orders shall be applied *pro rata* to the payment of the orders outstanding for the construction of said drain. It shall be the duty of the treasurer to ascertain, as near as possible the amount of such orders outstanding by reference to the records of the former proceedings, and such other sources of information as he may have, and pay such a percentage on each order that all the holders of orders may share equitably and in proportion to the amount of the orders held by them in said fund.

Proceedings  
under act 227  
of 1885.

SEC. 30. All other proceedings necessary to be taken for carrying out the purposes of this act and herein not otherwise provided for shall be governed by and taken under the provisions of act number two hundred twenty-seven of the public acts of eighteen hundred eighty-five.

Idem.

SEC. 31. The provisions of act number two hundred twenty-seven of the public acts of eighteen hundred eighty-five as to the costs and expenses which shall be allowed to the officers, commissioners and other persons who shall do any act in the proceedings to reestablish such drain and assess the taxes therefor shall be regarded as incorporated in this act.

Provisions for  
new proceed-  
ings.

SEC. 32. In case any proceedings instituted under this act should prove invalid because of defects or irregularities therein, proceedings may be instituted anew under this act until valid proceeding have been had therein.

This act is ordered to take immediate effect.

Approved June 1, 1895.

[ No. 458. ]

**AN ACT** to provide for and authorize proceedings for legally establishing the so called Bickford lake drain in the township of Riverton, Mason county, Michigan, and to provide for and authorize the assessment and collection of taxes therefor.

**WHEREAS**, A certain drain known and described as the Bickford lake drain was attempted to be established in the said township of Riverton in the years eighteen hundred eighty-three and eighteen hundred eighty-four, under the drain laws then in force, and was actually constructed and drain orders issued in payment therefor; and Preamble.

**WHEREAS**, Only a small portion of the taxes levied and assessed for such drain were ever collected because of the illegality and invalidity of the proceedings had to establish such drain from the beginning, said assessment having been declared illegal and void because of the illegality of such proceedings by the circuit court in chancery for the county of Mason, and the collecting of such taxes enjoined; and

**WHEREAS**, A large amount of such drain orders remain unpaid, and there is no fund from which the owners of said orders can obtain the payment thereof, and no way of raising such a fund without legislative proceeding therefor; and

**WHEREAS**, The said township of Riverton, and the owners of the lands benefited by said drain are now and have been since the establishment thereof enjoying the benefits and advantages of said drain; therefore:

**SECTION 1.** *The People of the State of Michigan enact*, That upon the application of any party interested in such drain, or the holder of any order or bond issued for the construction of the same, the drain commissioner of said township shall immediately make application to the probate court of said county for the appointment of three special commissioners, who shall be resident freeholders of the county, to determine the necessity for such drain and for the taking of private property for the use and benefit of the public for the purpose thereof; such application shall be made in writing and shall set forth the fact that said drain was constructed, describing the drain by the name given it at the time of its attempted establishment, and also giving the route thereof, and the description or descriptions of land owned by each person that is affected by the drain, and the description or descriptions of land owned by non-residents or non-owners affected by said drain. Drain commissioner to apply to probate court for appointment of special commissioners.

**SEC. 2.** When application shall be made to the township drain commissioner for the reestablishment of such drain, and it shall appear to such commissioner that he is interested in said drain by reason of its traversing any of his lands, or benefiting them so that he may be liable to be assessed for benefits for the construction thereof, or that he is otherwise interested Proceedings when township drain commissioner is interested party.

therein, then such commissioner, before taking any action thereon, shall transfer such application to the county drain commissioner, who shall thereupon have complete jurisdiction over such application and the drain proposed to be reestablished thereunder, and shall proceed in the same manner as the township drain commissioner would have done under the provisions of this act had he not been interested therein.

Probate court to appoint time and place for hearing application.

To issue citation for appearance of interested parties.

SEC. 3. The said probate court, upon the filing of said application, shall at once appoint a time and place of hearing upon the application, which time shall be fixed not less than thirty nor more than forty days thereafter, and the court shall issue a citation to all persons whose lands are traversed by such drain, or will be liable to assessment for benefits from the construction thereof, to appear at the time and place designated in said citation and be heard with respect to such application, if they so desire, and show cause, if any there be, why said application should not be granted.

Form of citation.

SEC. 4. The citation shall recite that an application has been made to said court for the appointment of three special commissioners to determine as to the necessity of said drain, describing it by its name, and to condemn private property and assess the damages therefor, in case said drain is found to be necessary; and in case of resident owners, it shall be addressed to such owners by name, and in case of non-resident owners and parties interested, it shall be addressed to the owner or owners of and others having an interest in the several descriptions of land involved. It shall describe the drain by the name given it at the time of its attempted establishment, and by its commencement, terminus and general course, and shall set forth that lands owned by the person to whom it is addressed are crossed by such drain, or will be subject to assessment for its construction. Such citation shall be personally served by the commissioner, or some other competent person, upon every person whose lands are traversed by such drain, or who will be liable to assessment for benefits in the construction thereof, and who is known to reside within the township in which such lands are situated, by delivering to him a copy thereof, or by leaving the same at his residence with some person of suitable age and discretion, who shall be informed of its contents. In all cases of personal service at least ten days shall intervene between the day of service and the day of hearing, and the court issuing such citation shall require proof of such service by affidavit, showing the time and place and manner of such service. Citations shall be served upon the township by leaving a copy thereof with the supervisor, or at his residence; upon cities, by leaving a copy thereof with the mayor or clerk; upon the State, by leaving a copy thereof with the prosecuting attorney of the county in which such lands are situated; upon railroad companies, by leaving a copy thereof with the agent of any ticket or freight office of the company operating such railroad, and upon private corporations, by serving the same upon the officer or persons designated by law in cases of civil process. A copy of the

To be personally served by drain commissioner.

When to be served.

Upon whom to be served.

citation, so far as it affects non-resident owners of lands and all other persons not personally served with notice, shall be published in some newspaper published and circulated in the county in which such lands are located, for at least two weeks previous to the day of hearing, which publication shall be deemed to be sufficient notice to all parties interested in such drain upon whom personal service is not required by the foregoing provisions. The first publication of such notice shall be at least fourteen full days before the day of hearing, and proof of its publication shall be made as above provided in case of personal service.

When to be published.

SEC. 5. The court to whom such application is made shall, at the time and place fixed in the citation, or at any time to which it may adjourn, and upon proof of service and publication, where required, proceed to hear all persons whose estate or interests are to be affected by the proceedings, and such persons may show cause against the prayer set forth in the application, and may disprove any of the facts therein alleged, and said court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer set forth in said application, said court shall make an order appointing three disinterested and competent resident freeholders of the county as special commissioners to ascertain and determine the necessity for such drain, and to appraise and determine the damages or compensation to be allowed to the owners or parties interested in the real estate taken for the right of way of such drain. Such court shall, immediately upon the appointment of such commissioners, and with the concurrence of the drain commissioner, appoint a time and place, such time to be not less than five nor more than fifteen days thereafter, at which such special commissioners shall meet the drain commissioner and other parties in interest to consider the matters and things with respect to which they have been appointed, and such court shall make public announcement thereof, and thereupon the proceeding shall be considered a continuing proceeding, and no further notice of the time and place of hearing shall be required, and such appointment and announcement shall be made a part of the record in the case.

Hearing by probate court.

Court to appoint special commissioners.

Court to appoint meeting of.

Drain commissioner to notify special commissioners.

Proceedings of special commissioners to view premises.

SEC. 6. If the court shall grant the prayer set forth in the application, it shall proceed to deliver to the drain commissioner a copy of the order appointing the special commissioners, and the drain commissioner shall notify such special commissioners of their appointment and of the time and place they are required to meet with him and with the other parties in interest. They shall be sworn to faithfully discharge the duties of special commissioners in the matter in which they are called to act, and to well and truly determine the necessity of such drain, and of the taking of private property for the use and benefit of the public for the purpose thereof, and the just compensation to be paid therefor. The said commissioners with the drain commissioner and other parties in interest who may be present, shall meet at the time and place ordered by the court, and proceed at that time, or at any time to which

they may adjourn, to view the said premises, and for such purpose they shall have the right to enter upon any lands traversed by the route of such drain.

To hear proofs and allegations.

To determine necessity for drain and for taking private property.  
To award compensation.

Compensation after previous award.

Compensation not to be awarded after release of right of way.

Commissioners may adjourn proceedings.

Drain commissioner to produce copy of application, citation and order appointing commissioner.  
Special commissioners to make written return of their proceedings.

Award of damages to be void if release of right of way is obtained.

SEC. 7. The said special commissioners shall hear the proofs and allegations of the several parties in interest, and shall ascertain and determine the necessity for such drain, both at the time of its construction and at the time of their determination, and for the taking of private property for the use and benefit of the public for the purpose thereof, and the just compensation to be made therefor, in each case, which compensation shall be determined without reference to any benefits which have accrued or may accrue to the land in consequence of the construction of such drain; but where any owner or those through whom he claims was awarded and received compensation under the former proceedings the amount then paid him shall be deducted from his award under this act; nor shall any compensation be awarded to any person who, in the former proceedings, or in the proceedings under this act, shall have executed a release of the right of way for said drain and of all damages to his or her property because of the construction thereof, as provided for by the law under which said drain was attempted to be established, or as provided for by act number two hundred twenty-seven of the session laws for the year eighteen hundred eighty-five. The commissioners may adjourn from day to day for any cause not exceeding in all ten days, announcement of which adjournment shall then and there be publicly made. There shall be produced by the drain commissioner at such hearing copies of the application to the probate court with the citation annexed and the order appointing the special commissioners.

SEC. 8. The said special commissioners shall, within fifteen days from the date of their first meeting make a return in writing of their hearing, determination, and of their several awards, and shall file said return with the drain commissioner. Said return shall contain a description of all lands for the condemnation of which they have allowed no compensation because of the owners thereof having executed releases as provided for in this act. Such return shall be deemed a sufficient conveyance to vest the fee of the lands necessary to be taken for such drain, and upon which damages are awarded in the township in which they are situated, in trust to and for the uses and purpose of drainage, and for no other purpose or purposes whatever, provided that the amount of compensation that may be awarded therefor shall have been paid or tendered or secured to the persons entitled thereto, as hereinafter provided.

SEC. 9. If at any time before the filing of the return of said commissioners any person through whose land the drain passes shall execute a release of right of way and all damages on account thereof, and deliver the same to the said commissioner, their award of damages to such person shall be null and void, and if any order has been issued in payment of said damages, as hereinafter provided, said order shall be canceled.

SEC. 10. In case the special commissioners shall decide such drain unnecessary, they shall so state in their return, and the drain commissioner shall thereupon dismiss the proceedings, and no further application for the same object shall be entertained.

Proceedings to be dismissed if drain is unnecessary.

SEC. 11. The drain commissioner shall draw his orders severally on the county or township treasurer, as the case may be, for the amounts awarded in the return of the special commissioners, describing in each order the lands in payment whereof it is drawn; and such order shall be tendered by the drain commissioner to the party entitled thereto, provided that if the owner of any lands upon which damages have been awarded be unknown, and such lands be not occupied, or in case of a minor, an insane or otherwise incompetent person, such order shall be deposited with the county or township clerk, as the case may be, payable to the owner of such description of land upon which such damages are awarded. Such order shall be held by such clerk, to be delivered by him to the owner of such lands when called for, or otherwise legally demanded, and the same shall thereby be deemed to have been legally tendered to the owner of such lands. It shall be the duty of such county or township treasurer at any time upon presentation to him of any such drain order, drawn for the payment of said right of way or damages, to pay the same out of the moneys in his hands belonging to the general fund of said county or township, and refund such amount out of the first moneys collected by him on account of such drain.

Drain orders, how drawn.

When to be deposited with clerk.

When treasurer to pay orders.

SEC. 12. If the owner of any lands upon which such damages have been awarded shall upon the tender of such order to him, refuse to accept the same, the commissioner shall make such tender in legal money, and for that purpose he shall be authorized to endorse such order and present the same to the township or county treasurer, as the case may be, for payment and it shall be the duty of such treasurer to pay such order as hereinbefore provided. If, however, there shall be no money in the general fund of such township or county treasury, the commissioner shall be authorized to have such order discounted, wherefore he may be able to do so, provided that such discount shall not be more than at the rate of ten per cent per annum, and he shall charge the amount of such discount to the expense and cost of such drain, and draw his order therefor. The commissioner shall thereupon make to such owner a tender in lawful money of the amount awarded to him, and if he shall refuse to accept such money, the commissioner shall deposit the same with the county or township treasurer, as the case may be, taking duplicate receipts therefor, one of which he may retain and the other he shall file with the county or township clerk, as the case may be. Such money shall be held by said treasurer to be delivered by him to such owner when called for, or otherwise legally demanded.

When commissioner to make legal tender.

Commissioner may have order discounted.

When to deposit money with county treasurer.

SEC. 13. In case said drain is laid along and within the limits of or across any public highway, the owners of lands abutting on the side of the highway along which said drain is

Release of owners abutting highway to be obtained for drain.

laid, shall be considered as still owning the fee of such land, and it shall be necessary, unless such owners shall have severally executed and delivered, or shall severally execute and deliver to the drain commissioner a release of their rights to so much of said highway as is necessary for the right of way of said drain, and for all damages on account thereof, that the same proceedings be had to obtain such release as is provided in this act for the obtaining of private lands.

Drain along highways to be in charge of overseer of highways.

SEC. 14. All that part of such drain which is laid and constructed along or within the limits of or across any public highway shall be under the jurisdiction of the overseer of highways, and it shall be his duty to keep the same open and free from all obstructions, and when any highway is subsequently constructed along or across such drain, then so much of said drain as shall come within the limits of such highway shall also be kept open and free from obstructions as above provided.

Construction and maintenance of bridges across highway.

SEC. 15. If such drain crosses a highway the cost of constructing the necessary bridge or culvert shall be charged in the first instance as a part of the construction of such drain, but the cost of afterwards maintaining said bridge or culvert shall be as a part of the highway. If such drain passes along a highway, and bridges shall have been constructed across it connecting the highway with the enclosed fields and with farm entrances, as provided in section twenty-one of act number two hundred twenty-seven of the session laws of eighteen hundred eighty-five, the cost of the original construction of said bridge or bridges shall be included as a part of the consideration of such drain.

When commissioner to make final order establishing drain.

SEC. 16. If such special commissioners, in their return, determine that said drain was at the time of its construction and still is necessary and conducive to the public health, convenience and welfare, the said drain commissioner shall upon the filing of said commissioner's report make a final order establishing said drain by the name originally given it at the time of its attempted establishment.

Drain commissioner to appoint hearing.

SEC. 17. Said drain commissioner shall at the time of making such order fix a time and place for hearing the parties who may be interested therein as to what was the reasonable and necessary cost of construction of said drain, and as to how much thereof and of the expenses of the proceedings under this act should be assessed on the township at large, and as to on what lands and in what proportion the balance thereof shall be assessed. He shall give not less than ten days notice of the time and place at which he will determine such reasonable and necessary cost and make such assessment by posting notices thereof in five or more public places in said township, and by causing a notice thereof to be published not less than two insertions in one or more weekly newspapers published and of general circulation in the county.

Drain commissioner to determine cost of construction.

SEC. 18. Previous to such day of hearing said commissioner shall determine what in his opinion was the reason-



able and necessary cost of construction of such drain, which shall not exceed the actual price at which the contracts were let for doing the actual work of construction under the former proceedings and the cost of the proceedings had under this act, and shall also determine the amount of such cost to be assessed upon the township at large, and assess the balance of such reasonable and necessary cost against the lands benefited by the construction of said drain in proportion to the amount each parcel is benefited hereby and upon the principle of benefits derived. In determining the reasonable and necessary cost of such drain, the commissioner shall not include the amounts expended or incurred as expense of laying out and establishing the drain under the former proceedings had for that purpose, but shall include the reasonable cost of actually constructing the said drain, and in determining such reasonable and necessary cost, the prices at which the contracts were let may be considered, but the reasonable and necessary cost of such construction shall not be found to exceed the amount actually paid therefor under the former proceedings; and to the amount for the cost of construction shall be added the cost of the proceedings provided for by this act, including the commissioners' fees, special commissioners' fees, expenses, etc.

To determine  
and apportion  
assessments.

SEC. 19. At such day of hearing the highway commissioner of said township may appear in behalf of the township; at such day and place of hearing the commissioner shall hear the proofs and allegations of the parties in interest, and shall carefully consider and review his assessment of the amount which said township shall pay, and the amount assessed on pieces or parcels of land in addition thereto for benefits derived, and shall correct, if necessary, such assessments so that they shall be just and equitable.

Highway commissioner to appear at hearing on behalf of township.

SEC. 20. All descriptions of land under the provisions of this act shall be made by giving the legal subdivisions thereof whenever practicable, and when the tract of land which is to be benefited or affected by said drain is less than such legal subdivision, it may be described by designation of the lot or other boundaries, or in some other way by which it may be known.

Descriptions of lands.

SEC. 21. Part paid school and State lands shall be assessed their per cent apportioned for benefits, and the collection thereof shall be enforced as State and county taxes against such lands are collected and enforced; State lands shall be included in all assessments for benefits the same as other lands, but the sum of all such drain taxes that may be assessed against any tract of said lands, including all other taxes heretofore paid upon the same, shall not aggregate a sum greater than fifty per cent of the price at which such lands are held by the State exclusive of any such taxes that may have been previously paid; any amount apportioned and assessed upon State lands shall be reported by the supervisor to the Commissioner of the State Land Office within ten days after the delivery of his roll to the township treasurer; said treasurer shall enter on the books of his office against each description of such

Assessment of part paid school and State lands.

Assessment of State lands.

lands the amount of drain taxes assessed thereon, and shall certify the same to the Auditor General, who shall draw his warrant on the State treasurer therefor, to be paid out of any funds in his hands not otherwise appropriated; such amounts shall be forwarded by the Commissioner of the State Land Office to the supervisor on or before the fifteenth of January next, and shall by him be applied in payment of such taxes. No patents shall issue for such lands until all such drain taxes are paid, with interest at seven per cent.

Drain commissioner to make special assessment roll.

SEC. 22. As soon as practicable after such day of hearing the commissioner shall place his assessment as finally made after such hearing in the form of a special assessment roll for such drain, which roll shall be designated "Bickford lake drain special assessment roll," and he shall enter thereon a correct description of all the tracts, parcels or subdivisions of land benefited by such drain, and opposite each description the amount finally assessed by him against it for benefits from said drain; he shall also enter thereon the amount apportioned by him to the township to be spread upon the township at large. Such rolls shall be dated and signed by the commissioner and filed on or before the last Wednesday in September of that year, if practicable, and if not, then of the following year, in the office of the clerk of said township.

To file in office of township clerk.

Township clerk to deliver statement to supervisor.

SEC. 23. The township clerk shall, on or before the first day of October of said year, make and deliver to the supervisor of his township a certified statement of the several amounts of drain taxes to be assessed upon such township at large for the ensuing year, for this particular drain, and also a certified statement of all the descriptions of lands assessed for benefits for said drain and the amounts to be assessed upon each description for such year as determined by the commissioner in his special assessment roll.

Supervisor to spread drain tax on his roll.

SEC. 24. It shall be the duty of the supervisor to spread upon his roll the total amount of all drain taxes determined upon by the commissioner to be assessed upon the township at large as a part of the township tax for the year in which the same was assessed, and in the same column with the general township tax. He shall also spread upon said roll separately and immediately following the other descriptions, all tracts or parcels of land specified by the commissioner to be assessed for benefits, and shall place opposite each description in the column marked "drain taxes" the amount of taxes apportioned thereon, as certified to him by the township clerk. All drains shall be entered separately, naming each particular drain.

Supervisor to furnish treasurer with itemized statement.

SEC. 25. The supervisor shall, at the time of the delivery of his roll to the treasurer, also furnish him with an itemized statement of the several amounts assessed upon the township at large for this particular drain, naming the drain. He shall also at the same time endorse upon drain special assessment roll on file in the township clerk's office the amount of tax for benefits thereof spread by him on the tax roll of his township for that year, on each description.

SEC. 26. All drain taxes assessed under the provisions of this act shall be collected in the same manner as State and other general taxes are collected, and collecting officers are hereby vested with the same power and authority in the collection of such taxes as are or may be conferred by law for collecting general taxes. All taxes levied under the provisions of this act, with all lawful costs, interest and charges, shall be and remain a perpetual lien upon the lands upon which they are assessed, and a personal claim against the owner or owners of such lands until they are paid, except as herein otherwise provided for.

Collection of  
tax.

SEC. 27. In any case where a piece or parcel of land was assessed for benefits from the construction of said drain under the former proceedings had to establish it, and such assessment was paid, and the same piece or parcel of land shall be again assessed under this act, the amount of such former payment shall be deducted by the collecting officer from the amount assessed against said piece or parcel of land under the provisions of this act, and the balance, if any, collected; and should such former payment equal or exceed the assessments made under the provisions of this act, said assessment shall for that reason be canceled and discharged by the collecting officer. And in a case where the amount assessed against any piece or parcel of land under the former proceedings as its share of the amount spread upon the township at large for benefit to the public health or public highways from said drain shall have been paid, the amount of such payment shall be deducted by the collecting officer from the amount of the assessment under this act, and the balance, if any, collected; and in case any person shall have paid such an assessment under the former proceedings on his or her personal property, the amount of such payment shall be in like manner deducted from any assessment made against his or her personal property under the provisions of this act, and said collecting officer shall note upon his roll as to how much was paid in cash and how much deducted for former payment.

Former pay-  
ments to be de-  
ducted.

SEC. 28. If the taxes levied for the construction of said drain are not collected by the township treasurer, they shall be by him returned, together with the lands upon which they are levied, to the county treasurer in the same return, at the same time and in the same manner in every respect, naming the particular drain, as lands are returned for State, county and township taxes, and such taxes shall follow such lands, the same as all such other taxes, and all the general provisions of law now existing or that may be hereafter enacted for enforcing the payment of township, county and State taxes, shall apply to such drain taxes, and to the lands returned delinquent therefor, in the same manner and with like effect.

Return of uncol-  
lected tax.

SEC. 29. All orders for the payment of lands for right of way and for services rendered and work performed under the provisions of this act, shall be drawn by the commissioner upon the drain fund of this particular drain, and shall be paid first, or a sufficient amount retained by the treasurer to pay

Drain commis-  
sioner to draw  
orders on drain  
fund.

them. The balance remaining after deducting sufficient to pay such orders shall be applied *pro rata* to the payment of the orders outstanding for the construction of said drain. It shall be the duty of the treasurer to ascertain as near as possible the amount of such orders outstanding by reference to the records of the former proceedings, and such other sources of information as he may have, and pay such a percentage on each order that all the holders of orders may share equitably and in proportion to the amount of the orders held by them in said fund.

Proceedings  
under act 227  
of 1885.

SEC. 30. All other proceedings necessary to be taken for carrying out the purposes of this act and herein not otherwise provided for shall be governed by and taken under the provisions of act number two hundred twenty-seven of the public acts of eighteen hundred eighty-five.

Idem.

SEC. 31. The provisions of act number two hundred twenty-seven of the public acts of eighteen hundred eighty-five as to the costs and expenses which shall be allowed to the officers, commissioners and other persons who shall do any act in the proceedings to reestablish such drain and assess the taxes therefor shall be regarded as incorporated in this act.

Provisions for  
new proceed-  
ings.

SEC. 32. In case any proceedings instituted under this act should prove invalid because of defects or irregularities therein, proceedings may be instituted anew under this act until valid proceeding have been had therein.

This act is ordered to take immediate effect.

Approved June 1, 1895.

[ No. 459. ]

AN ACT to provide for and authorize proceedings for legally establishing the so called St. Mary's lake drain in the township of Riverton, Mason county, Michigan, and to provide for and authorize the assessment and collection of taxes therefor.

Preamble.

WHEREAS, A certain drain known and described as the St. Mary's lake drain was attempted to be established in the said township of Riverton in the years one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four under the drain laws then in force, and was actually constructed and drain orders issued in payment therefor; and

WHEREAS, Only a small portion of the taxes levied and assessed for such drain were ever collected because of the illegality and invalidity of the proceedings had to establish such drain from the beginning, said assessment having been declared illegal and void because of the illegality of such proceedings by the circuit court in chancery for the county of Mason, and the collecting of such taxes enjoined; and

WHEREAS, A large amount of such drain orders remain unpaid, and there is no fund from which the owners of said

orders can obtain the payment thereof, and no way of raising such a fund without legislative proceeding therefor; and

WHEREAS, The said township of Riverton, and the owners of the lands benefited by said drain are now and have been since the establishment thereof enjoying the benefits and advantages of said drain; therefore:

SECTION 1. *The People of the State of Michigan enact,* That upon the application of any party interested in such drain, the holder of any order or bond issued for the construction of the same, the drain commissioner of said township shall immediately make application to the probate court of said county for the appointment of three special commissioners, who shall be resident freeholders of the county, to determine the necessity for such drain and for the taking of private property for the use and benefit of the public for the purpose thereof; such application shall be made in writing and shall set forth the fact that said drain was constructed, describing the drain by the name given it at the time of its attempted establishment, and also giving the route thereof, and the description or descriptions of land owned by each person that is affected by the drain, and the description or descriptions of land owned by non-residents or non-owners affected by said drain.

Drain commissioner to apply to probate court for appointment of special commissioners.

SEC. 2. When application shall be made to the township drain commissioner for the reestablishment of such drain, and it shall appear to such commissioner that he is interested in said drain by reason of its traversing any of his lands, or benefiting them so that he may be liable to be assessed for benefits for the construction thereof, or that he is otherwise interested therein, then such commissioner, before taking any action thereon, shall transfer such application to the county drain commissioner, who shall thereupon have complete jurisdiction over such application and the drain proposed to be reestablished thereunder, and shall proceed in the same manner as the township drain commissioner would have done under the provisions of this act had he not been interested therein.

Proceedings when township drain commissioner is interested party.

SEC. 3. The said probate court, upon the filing of said application, shall at once appoint a time and place of hearing upon the application, which time shall be fixed not less than thirty nor more than forty days thereafter, and the court shall issue a citation to all persons whose lands are traversed by such drain, or will be liable to assessment for benefits from the construction thereof, to appear at the time and place designated in said citation and be heard with respect to such application, if they so desire, and show cause, if any there be, why said application should not be granted.

Probate court to appoint time and place for hearing application.

SEC. 4. The citation shall recite that an application has been made to said court for the appointment of three special commissioners to determine as to the necessity of said drain, describing it by its name, and to condemn private property and assess the damages therefor, in case said drain is found to

Citation, what to recite.

be necessary; and in case of resident owners, it shall be addressed to such owners by name, and in case of non-resident owners and parties interested, it shall be addressed to the owner or owners of, and others having an interest in, the several descriptions of land involved. It shall describe the drain by the name given it at the time of its attempted establishment, and by its commencement, terminus, and general course, and shall set forth that lands owned by the person to whom it is addressed are crossed by such drain, or will be subject to assessment for its construction. Such citation shall be personally served by the commissioner, or some other competent person, upon every person whose lands are traversed by such drain, or who will be liable to assessment for the benefits in the construction thereof, and who is known to reside within the township in which such lands are situated, by delivering to him a copy thereof, or by leaving the same at his residence with some person of suitable age and discretion, who shall be informed of its contents. In all cases of personal service at least ten days shall intervene between the day of service and the day of hearing, and the court issuing such citation shall require proof of such service by affidavit, showing the time and place and manner of such service. Citations shall be served upon the township by leaving a copy thereof with the supervisor, or at his residence; upon cities, by leaving a copy thereof with the mayor or clerk; upon the State, by leaving a copy thereof with the prosecuting attorney of the county in which such lands are situated; upon railroad companies, by leaving a copy thereof with the agent of any ticket or freight office of the company operating such railroad, and upon private corporations, by serving the same upon the officer or persons designated by law in cases of civil process. A copy of the citation, so far as it affects non-resident owners of lands and all other persons not personally served with notice, shall be published in some newspaper published and circulated in the county in which such lands are located, for at least two weeks previous to the day of hearing, which publication shall be deemed to be sufficient notice to all parties interested in such drain upon whom personal service is not required by the foregoing provisions. The first publication of such notice shall be at least fourteen full days before the day of hearing, and proof of its publication shall be made as above provided in case of personal service.

**SEC. 5.** The court to whom such application is made shall, at the time and place fixed in the citation, or at any time to which it may adjourn, and upon proof of service and publication, where required, proceed to hear all persons whose estate or interests are to be affected by the proceedings, and such persons may show cause against the prayer set forth in the application, and may disprove any of the facts therein alleged, and said court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer set forth in said application, said court shall make an order appointing three disinterested and competent resident

Citations shall be personally served.

Time intervening between day of service and day of hearing.

Non-resident owners, notice to be published.

Time of.

Court to hear all persons whose interests are to be affected.

freeholders of the county as special commissioners to ascertain and determine the necessity for such drain, and to appraise and determine the damages or compensation to be allowed to the owners or parties interested in the real estate taken for the right of way of such drain. Such court shall immediately, upon the appointment of such commissioners, and with the concurrence of the drain commissioner, appoint a time and place, such time to be not less than five nor more than fifteen days thereafter, at which such special commissioners shall meet the drain commissioner and other parties in interest to consider the matters and things with respect to which they have been appointed, and such court shall make public announcement thereof, and thereupon the proceeding shall be considered a continuing proceeding, and no further notice of the time and place of hearing shall be required, and such appointment and announcement shall be made a part of the record in the case.

Court to appoint time and place at which special commissioners shall meet drain commissioner and others interested.

SEC. 6. If the court shall grant the prayer set forth in the application, it shall proceed to deliver to the drain commissioner a copy of the order appointing the special commissioners, and the drain commissioner shall notify such special commissioners of their appointment and of the time and place they are required to meet with him and with the other parties in interest. They shall be sworn to faithfully discharge the duties of special commissioners in the matter in which they are called to act, and to well and truly determine the necessity of such drain, and of the taking of private property for the use and benefit of the public for the purpose thereof, and the just compensation to be paid therefor. The said commissioners with the drain commissioner and other parties in interest who may be present, shall meet at the time and place ordered by the court, and proceed at that time, or at any time to which they may adjourn, to view the said premises, and for such purpose they shall have the right to enter upon any lands traversed by the route of such drain.

Drain commissioner to notify special commissioners.

Proceedings of special commissioners to view premises.

SEC. 7. The said special commissioners shall hear the proofs and allegations of the several parties in interest, and shall ascertain and determine the necessity for such drain, both at the time of its construction and at the time of their determination, and for the taking of private property for the use and benefit of the public for the purpose thereof and the just compensation to be made therefor, in each case, which compensation shall be determined without reference to any benefits which have accrued or may accrue to the land in consequence of the construction of such drain; but where any owner or those through whom he claims was awarded and received compensation under the former proceedings the amount then paid him shall be deducted from his award under this act; nor shall any compensation be awarded to any person who, in the former proceedings or in the proceedings under this act, shall have executed a release of the right of way for said drain and of all damages to his or her property because of the construction thereof, as provided for by the law under which said drain was attempted to be established, or as provided for

To hear proofs and allegations.

To determine necessity for drain and for taking private property.  
To award compensation.

Compensation after previous award.

Compensation not to be awarded after release of right of way.

be necessary; and in case of resident owners, it shall be addressed to such owners by name, and in case of non-resident owners and parties interested, it shall be addressed to the owner or owners of, and others having an interest in, the several descriptions of land involved. It shall describe the drain by the name given it at the time of its attempted establishment, and by its commencement, terminus, and general course, and shall set forth that lands owned by the person to whom it is addressed are crossed by such drain, or will be subject to assessment for its construction. Such citation shall be personally served by the commissioner, or some other competent person, upon every person whose lands are traversed by such drain, or who will be liable to assessment for the benefits in the construction thereof, and who is known to reside within the township in which such lands are situated, by delivering to him a copy thereof, or by leaving the same at his residence with some person of suitable age and discretion, who shall be informed of its contents. In all cases of personal service at least ten days shall intervene between the day of service and the day of hearing, and the court issuing such citation shall require proof of such service by affidavit, showing the time and place and manner of such service. Citations shall be served upon the township by leaving a copy thereof with the supervisor, or at his residence; upon cities, by leaving a copy thereof with the mayor or clerk; upon the State, by leaving a copy thereof with the prosecuting attorney of the county in which such lands are situated; upon railroad companies, by leaving a copy thereof with the agent of any ticket or freight office of the company operating such railroad, and upon private corporations, by serving the same upon the officer or persons designated by law in cases of civil process. A copy of the citation, so far as it affects non-resident owners of lands and all other persons not personally served with notice, shall be published in some newspaper published and circulated in the county in which such lands are located, for at least two weeks previous to the day of hearing, which publication shall be deemed to be sufficient notice to all parties interested in such drain upon whom personal service is not required by the foregoing provisions. The first publication of such notice shall be at least fourteen full days before the day of hearing, and proof of its publication shall be made as above provided in case of personal service.

**SEC. 5.** The court to whom such application is made shall, at the time and place fixed in the citation, or at any time to which it may adjourn, and upon proof of service and publication, where required, proceed to hear all persons whose estate or interests are to be affected by the proceedings, and such persons may show cause against the prayer set forth in the application, and may disprove any of the facts therein alleged, and said court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer set forth in said application, said court shall make an order appointing three disinterested and competent resident

Citations shall be personally served.

Time intervening between day of service and day of hearing.

Non-resident owners, notice to be published.

Time of.

Court to hear all persons whose interests are to be affected.



freeholders of the county as special commissioners to ascertain and determine the necessity for such drain, and to appraise and determine the damages or compensation to be allowed to the owners or parties interested in the real estate taken for the right of way of such drain. Such court shall immediately, upon the appointment of such commissioners, and with the concurrence of the drain commissioner, appoint a time and place, such time to be not less than five nor more than fifteen days thereafter, at which such special commissioners shall meet the drain commissioner and other parties in interest to consider the matters and things with respect to which they have been appointed, and such court shall make public announcement thereof, and thereupon the proceeding shall be considered a continuing proceeding, and no further notice of the time and place of hearing shall be required, and such appointment and announcement shall be made a part of the record in the case.

Court to appoint time and place at which special commissioners shall meet drain commissioner and others interested.

SEC. 6. If the court shall grant the prayer set forth in the application, it shall proceed to deliver to the drain commissioner a copy of the order appointing the special commissioners, and the drain commissioner shall notify such special commissioners of their appointment and of the time and place they are required to meet with him and with the other parties in interest. They shall be sworn to faithfully discharge the duties of special commissioners in the matter in which they are called to act, and to well and truly determine the necessity of such drain, and of the taking of private property for the use and benefit of the public for the purpose thereof, and the just compensation to be paid therefor. The said commissioners with the drain commissioner and other parties in interest who may be present, shall meet at the time and place ordered by the court, and proceed at that time, or at any time to which they may adjourn, to view the said premises, and for such purpose they shall have the right to enter upon any lands traversed by the route of such drain.

Drain commissioner to notify special commissioners.

Proceedings of special commissioners to view premises.

SEC. 7. The said special commissioners shall hear the proofs and allegations of the several parties in interest, and shall ascertain and determine the necessity for such drain, both at the time of its construction and at the time of their determination, and for the taking of private property for the use and benefit of the public for the purpose thereof and the just compensation to be made therefor, in each case, which compensation shall be determined without reference to any benefits which have accrued or may accrue to the land in consequence of the construction of such drain; but where any owner or those through whom he claims was awarded and received compensation under the former proceedings the amount then paid him shall be deducted from his award under this act; nor shall any compensation be awarded to any person who, in the former proceedings or in the proceedings under this act, shall have executed a release of the right of way for said drain and of all damages to his or her property because of the construction thereof, as provided for by the law under which said drain was attempted to be established, or as provided for

To hear proofs and allegations.

To determine necessity for drain and for taking private property.  
To award compensation.

Compensation after previous award.

Compensation not to be awarded after release of right of way.

Commissioners may adjourn proceedings.

Drain commissioner to produce copy of application, citation and order appointing commissioners. Special commissioners to make written return of their proceedings.

Award of damages to be void if release of right of way is obtained.

Proceedings to be dismissed if drain is unnecessary.

Drain order, how drawn.

When to be deposited with clerk.

by act number two hundred twenty-seven of the session laws for the year eighteen hundred eighty-five. The commissioners may adjourn from day to day for any cause not exceeding in all ten days, announcement of which adjournment shall then and there be publicly made. There shall be produced by the drain commissioner at such hearing copies of the application to the probate court with the citation annexed and the order appointing the special commissioners.

SEC. 8. The said special commissioners shall, within fifteen days from the date of their first meeting make a return in writing of their hearing, determination, and of their several awards, and shall file said return with the drain commissioner. Said return shall contain a description of all lands for the condemnation of which they have allowed no compensation because of the owners thereof having executed releases as provided for in this act. Such return shall be deemed a sufficient conveyance to vest the fee of the lands necessary to be taken for such drain, and upon which damages are awarded in the township in which they are situated, in trust to and for the uses and purpose of drainage, and for no other purpose or purposes whatever, provided that the amount of compensation that may be awarded therefor shall have been paid or tendered or secured to the persons entitled thereto, as hereinafter provided.

SEC. 9. If at any time before the filing of the return of said commissioners any person through whose land the drain passes shall execute a release of right of way and all damages on account thereof, and deliver the same to the said commissioner, their award of damages to such person shall be null and void, and if any order has been issued in payment of said damages, as hereinafter provided, said order shall be canceled.

SEC. 10. In case the special commissioners shall decide such drain unnecessary, they shall so state in their return, and the drain commissioner shall thereupon dismiss the proceedings, and no further application for the same object shall be entertained.

SEC. 11. The drain commissioner shall draw his orders severally on the county or township treasurer, as the case may be, for the amounts awarded in the return of the special commissioners, describing in each order the lands in payment whereof it is drawn; and such order shall be tendered by the drain commissioner to the party entitled thereto, provided that if the owner of any lands upon which damages have been awarded be unknown, and such lands be not occupied, or in case of a minor, an insane or otherwise incompetent person, such order shall be deposited with the county or township clerk, as the case may be, payable to the owner of such description of land upon which such damages are awarded. Such orders shall be held by such clerk, to be delivered by him to the owner of such lands when called for, or otherwise legally demanded, and the same shall thereby be deemed to have been legally tendered to the owner of such lands. It

shall be the duty of such county or township treasurer at any time upon presentation to him of any such drain order, drawn for the payment of said right of way or damages, to pay the same out of the moneys in his hands belonging to the general fund of said county or township, and refund such amount out of the first moneys collected by him on account of such drain.

When treasurer to pay order.

SEC. 12. If the owner of any lands upon which such damages have been awarded shall, upon the tender of such order to him, refuse to accept the same the commissioner shall make such tender in legal money, and for that purpose he shall be authorized to endorse such order and present the same to the township or county treasurer, as the case may be, for payment, and it shall be the duty of such treasurer to pay such order as hereinbefore provided. If, however, there shall be no money in the general fund of such township or county treasury, the commissioner shall be authorized to have such order discounted, wherefore he may be able to do so, provided that such discount shall not be more than at the rate of ten per cent per annum, and he shall charge the amount of such discount to the expense and cost of such drain, and draw his order therefor. The commissioner shall thereupon make to such owner a tender in lawful money of the amount awarded to him, and if he shall refuse to accept such money, the commissioner shall deposit the same with the county or township treasurer, as the case may be, taking duplicate receipts therefor, one of which he may retain, and the other he shall file with the county or township clerk, as the case may be. Such money shall be held by said treasurer to be delivered by him to such owner when called for, or otherwise legally demanded.

When commissioner to make legal tender.

Commissioners may have order discontinued.

When to deposit money with county treasurer.

SEC. 13. In case said drain is laid along and within the limits of or across any public highway, the owners of lands abutting on the side of the highway along which said drain is laid, shall be considered as still owning the fee of such land, and it shall be necessary, unless such owners shall have severally executed and delivered, or shall severally execute and deliver to the drain commissioner a release of their rights to so much of said highway as is necessary for the right of way of said drain, and for all damages on account thereof, that the same proceedings be had to obtain such release as is provided in this act for the obtaining of private lands.

Release of abutting owners along highway to be obtained for drain.

SEC. 14. All that part of such drain which is laid and constructed along or within the limits of or across any public highway shall be under the jurisdiction of the overseer of highways, and it shall be his duty to keep the same open and free from all obstructions, and when any highway is subsequently constructed along or across such drain, then so much of said drain as shall come within the limits of such highway shall also be kept open and free from obstructions as above provided.

Drain along highway to be in charge of overseer of highways.

SEC. 15. If such drain crosses a highway the cost of constructing the necessary bridge or culvert shall be charged in the first instance as a part of the construction of such drain, but the cost of afterwards maintaining said bridge or culvert shall be as a part of the highway. If such drain passes along

Construction and maintenance of bridges across highways.

a highway, and bridges shall have been constructed across it connecting the highway with the enclosed fields and with farm entrances, as provided in section twenty-one of act number two hundred twenty-seven of the session laws of eighteen hundred eighty-five, the cost of the original construction of said bridge or bridges shall be included as a part of the consideration of such drain.

When commissioner to make final order establishing drain.

SEC. 16. If such special commissioners in their return determine that said drain was at the time of its construction and still is necessary and conducive to the public health, convenience and welfare, the said drain commissioner shall upon the filing of said commissioner's report make a final order establishing said drain by the name originally given it at the time of its attempted establishment.

Drain commissioners to appoint hearing.

SEC. 17. Said drain commissioner shall at the time of making such order fix a time and place for hearing the parties who may be interested therein as to what was the reasonable and necessary cost of construction of said drain, and as to how much thereof and of the expenses of the proceedings under this act should be assessed on the township at large, and as to on what lands and in what proportion the balance thereof shall be assessed. He shall give not less than ten days' notice of the time and place at which he will determine such reasonable and necessary cost and make such assessment by posting notices thereof in five or more public places in said township, and by causing a notice thereof to be published not less than two insertions in one or more weekly newspapers published and of general circulation in the county.

Notice of hearing to be given.

Drain commissioner to determine cost of construction.

SEC. 18. Previous to such day of hearing said commissioner shall determine what in his opinion was the reasonable and necessary cost of construction of such drain, which shall not exceed the actual price at which the contracts were let for doing the actual work of construction under the former proceedings, and the cost of the proceedings had under this act, and shall also determine the amount of such cost to be assessed upon the township at large, and assess the balance of such reasonable and necessary cost against the lands benefited by the construction of said drain in proportion to the amount each parcel is benefited hereby and upon the principle of benefits derived. In determining the reasonable and necessary cost of such drain, the commissioner shall not include the amounts expended or incurred as expense of laying out and establishing the drain under the former proceedings had for that purpose, but shall include the reasonable cost of actually constructing the said drain, and in determining such reasonable and necessary cost the prices at which the contracts were let may be considered, but the reasonable and necessary cost of such construction shall not be found to exceed the amount actually paid therefor under the former proceedings; and to the amount for the cost of construction shall be added the cost of the proceedings provided for by this act, including the commissioners' fees, special commissioners' fees, expenses, etc.

To determine and apportion assessments.

SEC. 19. At such day of hearing the highway commissioner of said township may appear in behalf of the township; at

such day and place of hearing the commissioner shall hear the proofs and allegations of the parties in interest, and shall carefully consider and review his assessment of the amount which said township shall pay, and the amount assessed on pieces or parcels of land in addition thereto for benefits derived, and shall correct, if necessary, such assessments so that they shall be just and equitable.

Highway commissioner to appear at hearing in behalf of township.

SEC. 20. All descriptions of land under the provisions of this act shall be made by giving the legal subdivisions thereof, whenever practicable, and when the tract of land which is to be benefited or affected by said drain is less than such legal subdivision, it may be described by designation of the lot or other boundaries, or in some other way by which it may be known.

Description of lands.

SEC. 21. Part paid school and State lands shall be assessed their per cent apportioned for benefits, and the collection thereof shall be enforced as State and county taxes against such lands are collected and enforced; State lands shall be included in all assessments for benefits the same as other lands, but the sum of all such drain taxes that may be assessed against any tract of said lands, including all other taxes heretofore paid upon the same, shall not aggregate a sum greater than fifty per cent of the price at which such lands are held by the State, exclusive of any such taxes that may have been previously paid; any amount apportioned and assessed upon State lands shall be reported by the supervisor to the Commissioner of the State Land Office within ten days after the delivery of his roll to the township treasurer; said treasurer shall enter on the books of his office against each description of such lands the amount of drain taxes assessed thereon, and shall certify the same to the Auditor General, who shall draw his warrant on the State Treasurer therefor, to be paid out of any funds in his hands not otherwise appropriated; such amounts shall be forwarded by the Commissioner of the State Land Office to the supervisor on or before the fifteenth of January next, and shall by him be applied in payment of such taxes. No patents shall issue for such lands until all such drain taxes are paid, with interest at seven per cent.

Assessment of part paid school and State lands.

Assessment of State lands.

SEC. 22. As soon as practicable after such day of hearing the commissioner shall place his assessment as finally made after such hearing in the form of a special assessment roll for such drain, which roll shall be designated "State road drain special assessment roll," and he shall enter thereon a correct description of all the tracts, parcels, or subdivisions of land benefited by such drain, and opposite each description the amount finally assessed by him against it for benefits from said drain; he shall also enter thereon the amount apportioned by him to the township to be spread upon the township at large. Such rolls shall be dated and signed by the commissioner and filed on or before the last Wednesday in September of that year, if practicable, and if not, then of the following year, in the office of the clerk of said township.

Drain commissioner to make special assessment roll.

To be filed in office of township clerk.

SEC. 23. The township clerk shall, on or before the first day of October of said year make and deliver to the supervisor

Township clerk  
to deliver state-  
ment to super-  
visor.

of his township a certified statement of the several amounts of drain taxes to be assessed upon such township at large for the ensuing year, for this particular drain, and also a certified statement of all the descriptions of lands assessed for benefits for said drain and the amounts to be assessed upon each description for such year as determined by the commissioner in his special assessment roll.

Supervisor to  
spread drain tax  
on his roll.

SEC. 24. It shall be the duty of the supervisor to spread upon his roll the total amount of all drain taxes determined upon by the commissioner to be assessed upon the township at large as a part of the township tax for the year in which the same was assessed, and in the same column with the general township tax. He shall also spread upon said roll separately and immediately following the other descriptions, all tracts or parcels of land specified by the commissioner to be assessed for benefits, and shall place opposite each description in the column marked "drain taxes" the amount of taxes apportioned thereon, as certified to him by the township clerk. All drains shall be entered separately, naming each particular drain.

Supervisor to  
furnish treas-  
urer with item-  
ized statement.

SEC. 25. The supervisor shall, at the time of the delivery of his roll to the treasurer, also furnish him with an itemized statement of the several amounts assessed upon the township at large for this particular drain, naming the drain. He shall also at the same time endorse upon drain special assessment roll on file in the township clerk's office the amount of tax for benefits thereof spread by him on the tax roll of his township for that year, on each description.

Collection of  
drain taxes.

SEC. 26. All drain taxes assessed under the provisions of this act shall be collected in the same manner as State and other general taxes are collected, and collecting officers are hereby vested with the same power and authority in the collection of such taxes as are or may be conferred by law for collecting general taxes. All taxes levied under the provisions of this act, with all lawful costs, interests and charges, shall be and remain a perpetual lien upon the lands upon which they are assessed, and a personal claim against the owner or owners of such lands until they are paid, except as herein otherwise provided for.

Former pay-  
ments to be de-  
ducted in col-  
lection of tax.

SEC. 27. In any case where a piece or parcel of land was assessed for benefits from the construction of said drain under the former proceedings had to establish it, and such assessment was paid, and the same piece or parcel of land shall be again assessed under this act, the amount of such former payment shall be deducted by the collecting officer from the amount assessed against said piece or parcel of land under the provisions of this act, and the balance, if any, collected; and should such former payment equal or exceed the assessments made under the provisions of this act, said assessment shall for that reason be canceled and discharged by the collecting officer. And in a case where the amount assessed against any piece or parcel of land under the former proceedings as its share of the amount spread upon the township at large for benefit to the public health or public highways from said drain shall have been paid, the amount of such payment shall be deducted by

the collecting officer from the amount of the assessment under this act, and the balance, if any, collected; and in case any person shall have paid such an assessment under the former proceedings on his or her personal property, the amount of such payment shall be in like manner deducted from any assessment made against his or her personal property under the provisions of this act, and said collecting officer shall note upon his roll as to how much was paid in cash and how much deducted for former payment.

SEC. 28. If the taxes levied for the construction of said drain are not collected by the township treasurer, they shall be by him returned together with the lands upon which they are levied, to the county treasurer in the same return, at the same time and in the same manner, in every respect, naming the particular drain, as lands are returned for State, county and township taxes, and such taxes shall follow such lands, the same as all such other taxes, and all the general provisions of law now existing or that may be hereafter enacted for enforcing the payment of township, county and State taxes, shall apply to such drain taxes, and to the lands returned delinquent therefor, in the same manner and with like effect.

Return of uncollected taxes.

SEC. 29. All orders for the payment of lands for right of way and for services rendered and work performed under the provisions of this act, shall be drawn by the commissioner upon the drain fund of this particular drain, and shall be paid first, or a sufficient amount retained by the treasurer to pay them. The balance remaining after deducting sufficient to pay such orders shall be applied *pro rata* to the payment of the orders outstanding for the construction of said drain. It shall be the duty of the treasurer to ascertain, as near as possible the amount of such orders outstanding by reference to the records of the former proceedings, and such other sources of information as he may have, and pay such a percentage on each order that all the holders of orders may share equitably and in proportion to the amount of the orders held by them in said fund.

Drain commissioner to draw orders on drain fund.

SEC. 30. All other proceedings necessary to be taken for carrying out the purposes of this act and herein not otherwise provided for shall be governed by and taken under the provisions of act number two hundred twenty-seven of the public acts of eighteen hundred eighty-five.

Proceedings under act 227 of 1885.

SEC. 31. The provisions of act number two hundred twenty-seven of the public acts of eighteen hundred eighty-five as to the costs and expenses which shall be allowed to the officers, commissioners and other persons who shall do any act in the proceedings to reestablish such drain and assess the taxes therefor shall be regarded as incorporated in this act.

Idem.

SEC. 32. In case any proceedings instituted under this act should prove invalid because of defects or irregularities therein, proceedings may be instituted anew under this act until valid proceeding have been had therein.

Provisions for new proceedings.

This act is ordered to take immediate effect.

Approved June 1, 1895.

[ No. 460. ]

AN ACT to establish and provide justices' courts in the city of Detroit, and to repeal act number two hundred and eighty of the local acts of eighteen hundred and eighty-three, entitled "An act relative to justices' courts in the city of Detroit," approved April twenty-fifth, eighteen hundred and eighty-three, and all acts amendatory thereof.

Number of  
justices to be  
elected at city  
election.

Terms of office.

Justices in office  
to serve out  
term.

One justice to  
be elected each  
year.

Records to be  
kept in office of  
clerk of courts.

Auditors to  
supply suitable  
offices and sup-  
plies.

Compensation  
of justices.

When justices'  
courts to be  
opened.

SECTION 1. *The People of the State of Michigan enact,* That there shall be four justices of the peace in and for the city of Detroit, who shall be elected at the regular charter election of said city, or at any general election held therein, in the same manner, possess the same jurisdiction, powers, duties and liabilities, as justices of the peace for townships, excepting as otherwise provided by law. Each of said justices of the peace shall hold his office for the term of four years, commencing on and after the fourth day of July succeeding his election. The four justices of the peace heretofore elected in accordance with the provisions of an act entitled "An act relative to justices' courts in the city of Detroit," approved April twenty-fifth, eighteen hundred and eighty-three, shall be and continue to act as justices of the peace under the provisions of this act until the expiration of their respective terms of office. At the general election held in November in each year preceding the expiration of the term of office of each of said four justices of the peace, a successor of said justice of the peace shall be elected, whose term of office shall commence on the fourth day of July next succeeding his election and who shall hold his office for the term of four years. The files, records and dockets belonging or appertaining to the offices of justices of the peace now in office, and all files, records and dockets hereafter appertaining to such offices shall belong to and be filed and safely kept in the office of the clerk of said justice's courts hereinafter mentioned.

SEC. 2. The auditors of the county of Wayne shall provide suitable court rooms for the accommodation of said justices of the peace and also an office for the clerks hereinafter mentioned, also such jury rooms as may be necessary, which offices and rooms shall be contiguous to each other. The said auditors shall also provide necessary dockets, books, including a set of Michigan reports, blanks, stationery, furniture and fuel, for the use of said justices and clerks.

SEC. 3. Each of said justices of the peace shall receive from the treasurer of the county of Wayne an annual salary of two thousand dollars, payable in monthly installments on the certificate of the board of auditors of the county of Wayne, and each of said justices shall have his court room opened, and he shall be in attendance at the duties of his office therein, from at least nine o'clock in the morning, city time, until twelve o'clock noon, and from two o'clock until four o'clock in the afternoon: *Provided,* That where either one of said justices is actually engaged in the trial of a suit he shall so continue



until at least five o'clock in the afternoon, when it shall be necessary so to do in order to finish the trial of said suit; and the said clerk's office shall be opened continuously from nine o'clock in the morning, city time, until five o'clock in the afternoon each day, excepting legal holidays. All original writs issued by said justices shall be returnable at nine o'clock in the morning, city time.

Return of original writs.

SEC. 4. There shall be one clerk for said justices, who shall be known as clerk of justice's courts for Detroit, who shall be appointed by the auditors forthwith on the making and filing with them the written recommendation of a majority of said justices holding office on or before January first of each year, but if for any reason such recommendations be not so made and filed by said last named date, then the said auditors shall make such appointment on their own motion. The term of office of said clerk shall be one year, to commence on the first day of February. He shall receive from the treasurer of Wayne county an annual salary of fifteen hundred dollars, payable in monthly installments on the certificate of said auditors of Wayne county. Before entering upon the duties of his office the said clerk shall file in the office of the clerk of Wayne county a bond in the penal sum of five thousand dollars, with two or more sufficient sureties, to be approved by the said auditors of Wayne county, conditioned that the said clerk shall faithfully and properly perform the duties of his said office, and that he shall well and truly pay to the treasurer of Wayne county all moneys received by him or by his deputies under him, as clerk of said justice's courts, for the use of said county, and otherwise conditioned as the said auditors shall prescribe. It shall be the duty of said clerk to keep a true and complete record of all proceedings before each of said justices and to enter all judgments in the docket of the justice rendering the same in the time and the manner prescribed by law, which judgment shall be signed by the justice by whom it was rendered. He shall keep true and correct accounts of all moneys received by him or by his deputies, as court fees, for the use of Wayne county, or for any other purpose, and shall properly account for and pay over the same to the party entitled thereto. He shall also file and safely keep all papers and books belonging and appertaining to said justice's courts, none of which shall be removed from said office without the authority in writing of the justice to whom the cause is assigned, or the clerk of said court, nor unless proper receipts be given therefor. The said clerk shall also enter in a book provided for the purpose a list of all jurors that sit in the trial of cases in said justice's courts, together with the date or dates and the time during which said juror served, with a reference to the page of the docket containing the record of the cause in which said juror served. The said clerk shall make all writs returnable to the said justices in rotation, and if upon the return day or the adjourned day of any cause the justice issuing the process therein shall be absent at the time to which the cause has been adjourned or the process therein made

Appointment of clerk of justice's courts.

Compensation.

To file bond.

Duties of clerk.

[ No. 460. ]

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SECTION 1. *The People of the State of Michigan enact,* That there shall be four justices of the peace in and for the city of Detroit, who shall be elected at the regular charter election of said city, or at any general election held therein, in the same manner, possess the same jurisdiction, powers, duties and liabilities, as justices of the peace for townships, excepting as otherwise provided by law. Each of said justices of the peace shall hold his office for the term of four years, commencing on and after the fourth day of July succeeding his election. The four justices of the peace heretofore elected in accordance with the provisions of an act entitled "An act relative to justices' courts in the city of Detroit," approved April twenty-fifth, eighteen hundred and eighty-three, shall be and continue to act as justices of the peace under the provisions of this act until the expiration of their respective terms of office. At the general election held in November in each year preceding the expiration of the term of office of each of said four justices of the peace, a successor of said justice of the peace shall be elected, whose term of office shall commence on the fourth day of July next succeeding his election and who shall hold his office for the term of four years. The files, records and dockets belonging or appertaining to the offices of justices of the peace now in office, and all files, records and dockets hereafter appertaining to such offices shall belong to and be filed and safely kept in the office of the clerk of said justice's courts hereinafter mentioned.

SEC. 2. The auditors of the county of Wayne shall provide suitable court rooms for the accommodation of said justices of the peace and also an office for the clerks hereinafter mentioned, also such jury rooms as may be necessary, which offices and rooms shall be contiguous to each other. The said auditors shall also provide necessary dockets, books, including a set of Michigan reports, blanks, stationery, furniture and fuel, for the use of said justices and clerks.

SEC. 3. Each of said justices of the peace shall receive from the treasurer of the county of Wayne an annual salary of two thousand dollars, payable in monthly installments on the certificate of the board of auditors of the county of Wayne, and each of said justices shall have his court room opened, and he shall be in attendance at the duties of his office therein, from at least nine o'clock in the morning, city time, until twelve o'clock noon, and from two o'clock until four o'clock in the afternoon: *Provided,* That where either one of said justices is actually engaged in the trial of a suit he shall so continue

until at least five o'clock in the afternoon, when it shall be necessary so to do in order to finish the trial of said suit; and the said clerk's office shall be opened continuously from nine o'clock in the morning, city time, until five o'clock in the afternoon each day, excepting legal holidays. All original writs issued by said justices shall be returnable at nine o'clock in the morning, city time. Return of original writs.

SEC. 4. There shall be one clerk for said justices, who shall be known as clerk of justice's courts for Detroit, who shall be appointed by the auditors forthwith on the making and filing with them the written recommendation of a majority of said justices holding office on or before January first of each year, but if for any reason such recommendations be not so made and filed by said last named date, then the said auditors shall make such appointment on their own motion. The term of office of said clerk shall be one year, to commence on the first day of February. He shall receive from the treasurer of Wayne county an annual salary of fifteen hundred dollars, payable in monthly installments on the certificate of said auditors of Wayne county. Before entering upon the duties of his office the said clerk shall file in the office of the clerk of Wayne county a bond in the penal sum of five thousand dollars, with two or more sufficient sureties, to be approved by the said auditors of Wayne county, conditioned that the said clerk shall faithfully and properly perform the duties of his said office, and that he shall well and truly pay to the treasurer of Wayne county all moneys received by him or by his deputies under him, as clerk of said justice's courts, for the use of said county, and otherwise conditioned as the said auditors shall prescribe. It shall be the duty of said clerk to keep a true and complete record of all proceedings before each of said justices and to enter all judgments in the docket of the justice rendering the same in the time and the manner prescribed by law, which judgment shall be signed by the justice by whom it was rendered. He shall keep true and correct accounts of all moneys received by him or by his deputies, as court fees, for the use of Wayne county, or for any other purpose, and shall properly account for and pay over the same to the party entitled thereto. He shall also file and safely keep all papers and books belonging and appertaining to said justice's courts, none of which shall be removed from said office without the authority in writing of the justice to whom the cause is assigned, or the clerk of said court, nor unless proper receipts be given therefor. The said clerk shall also enter in a book provided for the purpose a list of all jurors that sit in the trial of cases in said justice's courts, together with the date or dates and the time during which said juror served, with a reference to the page of the docket containing the record of the cause in which said juror served. The said clerk shall make all writs returnable to the said justices in rotation, and if upon the return day or the adjourned day of any cause the justice issuing the process therein shall be absent at the time to which the cause has been adjourned or the process therein made Appointment of clerk of justice's courts.

Compensation.

To file bond.

Duties of clerk.

All moneys to be paid to clerk.

Clerk may appoint deputies.

Fees in justices' courts.

returnable, the next justice in regular order of issuing writs, if present, and if not, one of the other justices shall have the same jurisdiction to proceed therein as though the cause had been originally commenced before him, and the record thereof shall be entered in the docket of the justice issuing the original process. The said clerk shall receive all costs, fines and dues of every description which are provided by law in all proceedings in said justice's courts, and shall pay the same weekly to the treasurer of Wayne county, and shall take his receipt therefor. All moneys paid under judgments rendered by said justices, and all moneys paid under garnishments in said justice's courts, shall be paid to said clerk or his deputy or deputies by him authorized to receive the same, and his bond shall be also conditioned for the faithful and proper disposition of all such moneys. The said clerk shall have power generally to administer oaths and to take affidavits. The said clerk shall have and is hereby given the power and authority to appoint a sufficient number of deputies, to properly execute the work of said office and said appointments shall not be for a longer time than his term of office, and shall be subject to revocation at any time, for cause, by said clerk. Appointments and revocations of appointment of such deputies shall be made by the certificate of said clerk filed with the auditors of Wayne county, and such certificate shall be notice of the appointment or revocation, as the case may be, and the appointment or revocation shall be operative from the time of the filing of such certificate, and the said board of auditors shall cause payment of salary to such deputies accordingly. The said deputy clerks shall be under the control and direction of the said clerk, and shall perform such duties as he shall direct, and shall have authority to administer oaths, take affidavits and perform generally the duties of said clerk. Each of said deputies shall, if required by said clerk, furnish a good and sufficient bond for the faithful discharge of his duties, with surety or sureties in such amount and with such conditions as said clerk may prescribe. One of said deputy clerks shall be designated by said clerk as chief deputy, and shall receive a salary of twelve hundred dollars per annum. The other deputies shall each receive a salary of one thousand dollars per annum. The said salaries shall be paid in monthly installments by the treasurer of Wayne county upon the certificate of the auditors of said county.

SEC. 5. Before any civil action or proceeding, except proceedings in garnishment, shall be commenced in said justices' courts, there shall be paid to the said clerk by the party bringing the action, the sum of one dollar, and before the trial of any such action or proceeding shall be commenced, the further sum of fifty cents; but in cases of non-suit no judgment fee shall be required, and proceedings in garnishment shall be treated as part of the principal case, and no additional fees shall be charged therefor, and up to and including the entry of judgment therein. If any person shall satisfy one of said justices by affidavit that he has a good, meritorious cause of action

for personal services against another within the said jurisdiction of said courts, and that he has made a personal demand of payment thereof of the debtor and that such payment has been refused and shall also state the name and residence of the debtor and the amount due over and above all legal set-offs, the justice to whom such affidavit is presented may in his discretion endorse on such affidavit directions to the said clerk to cause to be issued the proper writ in the case before one of the other justices without charge for court fees for the commencement or trial of said cause. If the plaintiff in such case recover judgment he shall be entitled to tax as part of his costs an attorney fee of five dollars; and the usual court fees shall also be taxed against the defendant but in favor of Wayne county. If the defendant obtain judgment in such cause the said court fees shall in like manner and for the like purpose be taxed against the plaintiff. Nothing herein contained shall be so construed as to prevent the circuit court for the county of Wayne, on an appeal of any such cause, to require the plaintiff therein to give security in said court for costs as in other cases. If any party demand a jury in any action in said justice's courts, he shall advance to the clerk the sum of five dollars as jury fee, and the same shall belong to the county of Wayne and shall be turned over by said clerk in the same manner as is required in the case of other moneys received by him. Before any affidavit, or writ of *certiorari*, shall be served on any one of said justices, in addition to the fees allowed by law for making returns to an appeal or *certiorari*, the entry fee on filing the same in the circuit court shall be paid to the said clerk by the appellant, or plaintiff in error, and the said clerk shall as early as possible file the return to such an appeal or writ of *certiorari*, in the office of the clerk of Wayne county and shall pay over to him the fee so advanced to him as aforesaid. The moneys so paid to said clerk of justice's courts shall be for the use of the county, and shall be held to be in full of all fees in civil actions from the commencement thereof to and including the issuing of execution therein. The sum or sums so paid, including the jury fees, shall be taxed as costs of suit in favor of the party paying the same, if he be the prevailing party in the suit, in addition to any other costs to which he may be entitled by law. In criminal cases the same costs shall be paid and in the same manner as in proceedings before justices of the peace in townships, except that the same shall be paid to the said clerk, as in civil cases is provided.

SEC. 6. The said justices of the peace of the city of Detroit, as against all other justices of the peace, shall have exclusive jurisdiction of all actions and proceedings within their jurisdiction where both of the parties thereto shall, at the time of the commencement of such action, or proceeding, be residents of said city. They shall also have a like exclusive jurisdiction where the original cause of action existed in favor of a resident of said city, but has been by him assigned. Jurisdiction of justice's courts.

Fees of justices  
outside of illi-  
gation.

SEC. 7. This act shall in no way affect the fees to which said justices of the peace shall be entitled on the performance of marriage ceremonies, taking acknowledgments, and in administering oaths in matters not connected with any litigation in said justice's courts; nor shall it affect the fees to which constables are entitled, or the present method of paying them.

Service of  
summons.

SEC. 8. The service of a summons under this act may be made in the manner prescribed in section fourteen of act number one hundred ninety-one, of the public act of eighteen hundred seventy-nine, being section six thousand eight hundred twenty-seven of Howell's annotated statutes.

Amount of jus-  
tices' jurisdic-  
tion.

SEC. 9. Every justice of the peace elected in the said city of Detroit, and duly qualified according to law, shall have original jurisdiction of all civil actions wherein the debt or damages do not exceed the sum of one hundred dollars; and concurrent jurisdiction in all civil actions wherein the debt or damages do not exceed the sum of five hundred dollars, except as provided in section six thousand eight hundred fifteen of Howell's annotated statutes of Michigan.

Appeals from  
justices' courts.

SEC. 10. No appeal shall be taken from any judgment of any justice of the peace in said city of Detroit, except in the following cases:

*First*, When said justice shall disallow any claim in favor of any plaintiff or defendant in any cause in said justice's courts, in whole or in part, to the amount of fifty dollars;

*Second*, When such justice shall render a judgment to the amount of fifty dollars, exclusive of costs. In either of which cases the party aggrieved may appeal;

*Third*, Appeals may be authorized by the circuit court of the county of Wayne, when the party making the appeal has been prevented from making a defense upon the merits of the cause in which such appeal is taken by circumstances not under his control; and such appeal may also be authorized when justice requires that such appeal should be authorized, and in all cases where the party against whom such appeal is sought has appeared in said justice's courts by an attorney or agent it will be sufficient to serve such attorney or agent with the notices of all subsequent proceedings in such cause and all orders made therein by said circuit court may be served on said attorney or agent, and such service shall have the same effect as though made on the party against whom such appeal is taken.

Juries in jus-  
tices' courts.

SEC. 11. Juries in said justice's courts shall be composed of six persons, who shall be residents of said city of Detroit and shall severally possess the lawful qualifications of jurors in the circuit court of Wayne county, and any challenge, which would be valid in said circuit court, shall be valid and sufficient if made in the said justice's courts: *Provided, however*, That but two peremptory challenges shall be allowed to the plaintiff and the like number to the defendant in all trials in said justice's courts. The board of jury commissioners, as created by act number two hundred four of the public acts of eighteen hundred ninety-three, shall annually or whenever

Challenging of  
jurors.

Jurors to be  
selected by  
board of jury  
commissioners.

required by the senior justice in accordance with the method required by that act, select persons to serve as jurors for the trial of cases, matters and proceedings in said justice's courts, and shall file a list of the persons so selected with the clerk of said justice's courts. The number to be selected on the third Monday of May of each year, as provided by said act, shall be three hundred. After the filing of such list the proceedings for selection, summoning and the compelling the attendance of jurors and talesmen shall be, as far as practicable, the same as provided by law for like purposes in the circuit court for Wayne county, except that the attendance of the sheriff shall not be required. Jurors shall be drawn and summoned for a term of one month, which shall be the calendar month next succeeding such drawing. Not less than eighteen nor more than thirty-six jurors shall be drawn and summoned for a term unless for a special reason the senior justice shall in writing direct that a greater number shall be drawn and summoned. The persons so drawn shall be notified in writing of their liability to jury duty in the justice's courts for the calendar month to be specified, which notice shall be served personally, if practicable, upon each person so drawn, by the deputy sheriff to be detailed for duty in said justice's courts, and a return in writing of the time and manner of such service shall be made and filed with the clerk of said justice's courts. The actual attendance of the persons duly notified for jury service may be required and enforced according to law. The persons so serving as jurors shall be entitled to receive from the county of Wayne the sum of one dollar [each] for each day's actual service, which sum shall be paid by the county auditors on certificate of the clerk of said justice's courts. Whenever by law a judge of the circuit court for Wayne county is required or directed to be present at or to participate in any part of the proceedings to select jurors for that court the senior justice or acting senior justice of said justice's courts shall perform like duty in like proceedings to select jurors for said justice's courts.

Manner of selecting.

Persons drawn to be notified.

Compensation of jurors.

SEC. 12. The jury empaneled in any case as herein provided shall determine any and all questions of fact in such case, but it shall be the duty of the justice hearing such cause to decide all questions of law arising therein, and it shall also be the duty of the said justice to instruct the jury as to the questions of law applicable to the case. If it shall appear in such trial that either party is entitled to a verdict as a matter of law and that no question of fact exists requiring the determination of said jury, then said justice shall direct a verdict accordingly.

Jury to decide questions of fact.

Justice to decide question of law and to instruct jury.

SEC. 13. Act number two hundred eighty of the local acts of eighteen hundred eighty-three, being an act entitled "An act relative to justice's courts in the city of Detroit," approved April twenty-fifth, eighteen hundred eighty-three, and all acts amendatory thereof, and all other acts or parts of acts contra-

Acts repealed.

vening the provisions of this act shall be and the same are hereby repealed.

This act is ordered to take immediate effect.

Approved June 1, 1895.

[ No. 461. ]

AN ACT to amend chapter one of "An act to provide a charter for the city of Detroit," approved June seventh, eighteen hundred eighty-three, as amended by the several acts amendatory thereof, by adding thereto a new section to stand as section eleven.

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That chapter one of "An act to provide a charter for the city of Detroit," approved June seventh, eighteen hundred eighty-three, as amended by the several acts amendatory thereof, be amended by adding thereto a new section to read as follows:

Providing that certain highway funds be paid to the city treasurer of Detroit.

SEC. 11. That all moneys belonging to the road districts highway funds, of Greenfield township, or any part thereof, that were taken into the city of Detroit by act three hundred twenty-four of the session laws of eighteen hundred ninety-one, or that may be taken into said city in the future in proportion to the amount of such road district or districts as were or may be so taken into said city from the township of Greenfield, shall be turned over to the city treasurer of the city of Detroit, together with interest thereon from the time such territory was taken into said city until the payment of all such moneys and the board of public works shall expend all such moneys on the same streets that it should have been expended upon as provided in the township highway laws, had not this territory been annexed to the city of Detroit: *Provided further,* That in all such highway district or districts of Greenfield township owning personal property, tools or machinery taken into said city, where one-half or more of the assessed property of such road district was or may be taken into said city, all such moneys, property, tools or machinery shall be turned over to the said city and placed at the disposal and use of the board of public works of said city.

Proviso.

Approved June 1, 1895.



[ No. 462. ]

AN ACT to amend section four of act number three hundred ninety-two of the local acts of eighteen hundred ninety-one, entitled "An act to provide salary of, and for appointment of clerks for, the circuit court commissioners of Wayne county," approved July second, eighteen hundred ninety-one.

SECTION 1. *The People of the State of Michigan enact,* Section amended.  
That section four of act number three hundred ninety-two of the local acts of eighteen hundred ninety-one, entitled "An act to provide salary of and for appointment of clerks for the circuit court commissioners of Wayne county," approved July second, eighteen hundred ninety-one, be and the same is hereby amended to read as follows:

SEC. 4. Before any action or proceeding for the recovery of the possessions of land or buildings shall be commenced before either of said commissioners there shall be paid to the said clerk by the party bringing the same the sum of two dollars and fifty cents, and before the hearing of any such action or proceeding shall be commenced the further sum of one dollar, and any person demanding a jury shall advance the fees therefor and the same shall be disposed of by the clerk as is now provided by law in justice courts, and before any affidavit or appeal or writ of *certiorari* shall be served on either of said commissioners, in addition to the costs now provided by law for making returns to appeals or *certiorari*, the further sum of four dollars shall be paid to said clerk by the appellant, or plaintiff in error, and the clerk therewith shall pay the entry fee in the circuit court, and at the same time file therein the return to the appeal or *certiorari*, as the case may be. The moneys so paid shall be for the use of said county and shall be held in full of all fees now allowed by law to said commissioners from the commencement of such proceeding to and including the issuing of such final process as may be necessary to give effect to an order or judgment of such commissioner. The sum or sums so paid, including jury fees, shall be taxed as costs of suit in favor of the party paying the same if he be the prevailing party in the action, in addition to any other to which he may be entitled by law. Any cause or proceeding pending before either of said commissioners in said county at the time this act goes into operation shall be heard and disposed of according to the law and practice now in force.

Approved June 1, 1895.

[ No. 463. ]

AN ACT to amend section sixty-one of chapter seven, and section forty-four of chapter eleven, and to add a new section to chapter eleven, and a new section to chapter thirteen of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three, as amended by acts numbered three hundred seventy-four and two hundred ninety-four of the session laws of eighteen hundred ninety-three.

Sections amended and added.

SECTION 1. *The People of the State of Michigan enact,* That section sixty-one of chapter seven, and section forty-four of chapter eleven, as amended by act number three hundred seventy-four, of the session laws of eighteen hundred ninety-three, of an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three, be amended so as to read as follows:

Setting aside special assessment and making new one.

SEC. 61. Whenever any special assessment made under the provisions of this charter or of any law of this State by said common council for the improvement of a street or for any public work, or to defray the expense of the taking of any property or damages to any property taken for the public use for the opening and extending of highways or for other public purposes, or for damages to any property occasioned by any public improvement of any kind, shall, in the opinion of the council, be invalid, said council may vacate and set the same aside, and when any errors may appear in any assessment roll or in any certificate thereto, the council may order the same to be corrected. And when any such special assessment shall be so vacated, or shall be held invalid by the judgment or decree of any court of competent jurisdiction, the common council may cause a new special assessment to be made, for the purpose for which the original assessment was made. Such new

How new assessment made.

Proceedings when tax has been paid.

assessment shall be made in the manner for making original assessments of like nature. And whenever the tax, or any part thereof, assessed upon any lot or parcel of real estate by the original assessment, set aside, or held invalid as aforesaid, has been paid, and shall not have been refunded, it shall be the duty of the receiver of taxes, to apply said payment upon the reassessment of said lot or parcel or any part thereof reassessed, and to make a minute thereof upon the new assessment roll, and such reassessment shall, to the extent of such payment, be deemed paid and satisfied. All the provisions of the charter making special assessments a lien, upon the lots and parcels of real estate embraced therein, and also those relating to the collection of special assessments shall apply to reassessments made under this section. The provisions of this section shall apply to special assessments heretofore made, as

To what assessments provisions to apply.

Provided,

as well as to those which shall hereafter be made: *Provided,* That the provisions of this section shall not apply to any

assessment for street openings which shall have been vacated or set aside or for the vacation or avoidance of which proceedings shall have been commenced prior to the time when this act shall take effect. The common council shall have power to agree with any street railway company for the surrender of any rights of said company to operate its road on any street or avenue, on condition that the common council shall not, without its consent or during the existence of such rights, grant to any other company the right to maintain or operate a street railway in such street or avenue: *Provided*, That such agreement shall not prevent the common council from granting rights to operate roads in streets crossing such street or avenue.

SEC. 44. The assessment roll provided for in section thirty-seven of this chapter shall be made by the board of assessors in four parts, each part to contain a list of the lots or parcels mentioned in said section, with the names of the owners or occupants of each lot or parcel, and one-quarter of the assessment for the cost and expense of the work shall be assessed upon each lot or parcel. Such parts of the assessment roll shall be numbered one, two, three and four respectively. After said assessment shall have been confirmed and the roll delivered to the receiver of taxes, he shall cause notice of said assessment to be printed in two of the newspapers published in said city once in each week for three successive weeks, and part one of said assessment shall become due and payable, in thirty days from the first publication of said notice, and parts two, three and four, shall become due and payable in one, two and three years respectively, from the date of said first publication. Any person may pay the amount of the assessment in parts one, two, three and four, or either of them, at any time, within thirty days from said date of said publication without interest, but if the same shall not be paid within said thirty days then the said parts remaining unpaid shall be payable, with interest at the rate of seven per cent from the date of confirmation of said assessment until the same shall be paid. If the amount mentioned in part one shall not be paid within said thirty days, a penalty of five per cent in addition to the interest shall be added thereto, and a like penalty of five per cent, in addition to said interest, shall be added to each of the other parts, if not paid when the same shall become due as aforesaid. Assessment rolls made under the laws of this State for assessments to defray the expense of the taking of any property or damages to any property taken for the public use, for the opening and extending of highways, or for other public purposes, or for damages to any property occasioned by any public improvement of any kind shall be made in one or more parts as the common council may direct, and shall become due and payable at such time as the common council shall by resolution provide, and like interest shall be added thereto, and like penalties in case of non-payment shall be imposed and added thereto in the same manner as is herein provided for assessments for street paving, and such interest and penalties

Assessment roll  
to be divided  
into four parts.

Notice to be  
published.

Amount of as-  
essment may  
be paid at one  
time.

Assessments to  
defray expenses  
of taking prop-  
erty, etc., how  
made.

Certain bonds  
not to be re-  
garded as part  
of general city  
debt.

New section  
added.

Action for dam-  
age to be com-  
menced within  
one year.

shall be payable and be collected with the part or parts to which the same may be added. Assessments heretofore made shall be collected as provided by the laws in force at the time of the enactment hereof. The interest and penalties herein provided to be paid, shall be credited to the fund for which the assessment is made. Bonds hereafter issued for street paving shall not be regarded as part of the general city debt and shall not be subject to the limitations in respect to the amount of said debt imposed by section seven of this chapter, except an amount thereof equal to the amount of any street paving bonds heretofore issued which shall be hereafter paid.

SEC. 2. That there be added to chapter eleven of said charter of the city of Detroit a new section as follows:

SEC. 46. No action shall be brought against said city, nor any of its boards, commissions or officers for any negligent injury unless it be commenced within one year, from the time when the injury was received, nor unless notice shall be given in writing within three months from the time of such injury to the head of the law department or to his chief assistant of the time, place and cause of such injury, and of the nature thereof. The provisions of this section shall not be a bar to a suit for any injury for which there is now a lawful cause of action, but for every such injury suit shall be commenced within six months from the time when this action shall take effect.

Approved June 1, 1895.

[ No. 464. ]

AN ACT to more clearly define nuisances and to provide surer means for their abatement, and to regulate the slaughtering of animals and the maintaining and operating of abattoirs or slaughter houses in the city of Detroit.

Not to slaughter  
except in abat-  
toirs or slaugh-  
ter houses.

SECTION 1. *The People of the State of Michigan enact,* That no person or persons shall slaughter any cattle, sheep, calves or hogs in the city of Detroit, except and only in abattoirs or slaughter houses located, constructed, operated and conducted as provided by this act.

Regulations of.

SEC. 2. Every abattoir or slaughter house shall be provided with a water tight floor, and with proper catch basins of sufficient capacity, into which all the wash of the house shall be conducted, and pass through the compartments or spaces formed therein by different partitions, in such a way as to hold back and retain all the fats and offal, allowing only water to flow into the sewers. All fats shall be removed from the water, and all offal carted away in vehicles having water tight and properly covered boxes, unless dried on the premises.

**SEC. 3.** Neither blood, bristles, hair, entrails, or any offal whatever shall be allowed to enter any public sewer, and all entrails shall be emptied, all blood cooked and all offal cleaned up at the place of slaughtering within six hours after such slaughtering takes place.

Refuse not allowed to enter public sewers.

**SEC. 4.** All slaughtering of animals shall be conducted without exposure to the public, and the slaughter houses or abattoirs shall be thoroughly washed out after the work of killing each day.

To be conducted without exposure to the public.

**SEC. 5.** All gases, including steam from rendering or cooking tanks, or from drying or cleaning rooms, shall be conducted immediately to a reservoir of sufficient capacity filled with cold water, and thus condensed, and after each day's work the water from said reservoir shall be pumped or syphoned into the sewer, or said gases may be conducted into and passed through the fires under the boiler and consumed.

Gases and steam from cooking tanks, regulation of.

**SEC. 6.** The agents or employes of the board of health of the city of Detroit and its health officer shall at all times have the unrestricted right to enter and inspect any abattoir or slaughter house, together with its appliances and the method of conducting the work of slaughtering animals, and the care of the same, as well as the disposal of all offal and refuse resulting from the business in question. And it is hereby made the duty of said board to see that the provisions and enactments herein provided for the protection of the health and comfort of the citizens of Detroit are carried out and enforced.

Health officer to have unrestricted right to enter.

**SEC. 7.** Any person or persons who shall locate, maintain or operate any slaughter house or abattoir contrary to the provisions of this act shall be deemed to be maintaining a public nuisance, and on the complaint of any citizen or resident freeholder the board of health of said city shall investigate the matter at once, and if it shall be found on investigation that any of the provisions of this act are being violated said board shall take proceedings to abate or remove said nuisance as herein set forth.

Operating or maintaining contrary to provisions of this act a nuisance.

**SEC. 8.** Written or printed notices, or partly written and partly printed notices, shall be personally served upon, or sent by mail to the owner, owners, agent or occupant acting for the owner or owners of any slaughter house, or abattoir located, maintained or operated contrary to the provisions of this act, informing such owner, agent or occupant that said slaughter house or abattoir is a public nuisance, that must be abated or removed within thirty days after the serving of such notice, and a similar notice and order shall be posted up in a conspicuous place on every building in which such nuisance is found to exist.

Notice to be personally served or mailed.

**SEC. 9.** In case the foregoing described notice and order are not obeyed and said nuisance is not abated or removed within the time specified therein, the circuit court for the county of Wayne in chancery shall have authority on the application of the said board of health to enjoin the further

In case order not obeyed circuit court authorized to enjoin.

Penalty for  
violation.

maintenance and operation of any such slaughter house or abattoir contrary to the provisions of this act.

SEC. 10. Any person or persons who shall knowingly and wilfully violate the provisions of, or shall neglect to perform any of the duties enjoined upon him by this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to punishment therefor by a fine of not more than one thousand dollars, or imprisonment for not more than six months, or both such fine and imprisonment in the discretion of the court.

Approved June 1, 1895.

[ No. 465. ]

AN ACT to revise and amend the charter of the city of Saginaw and to amend section eighteen of title six, and to add a section to be known as section four of title seventeen of act number four hundred fifty-five of the local acts of one thousand eight hundred eighty-nine, entitled "An act to annex the territory embraced within the city of East Saginaw, to that of the city of Saginaw and to consolidate the city of East Saginaw with Saginaw, under the name of the city of Saginaw; to specify and fix the boundaries of the consolidated city; to provide for the assuming and payment of the indebtedness and liabilities of the present cities of East Saginaw and Saginaw, and for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said city of Saginaw as so consolidated, and to repeal all acts inconsistent herewith," as amended by act number two hundred fifty-seven of the local acts of one thousand eight hundred ninety-one, approved March twenty-eighth, one thousand eight hundred ninety-one, and by act number four hundred two of the local acts of one thousand eight hundred ninety-three, approved May twenty-third, one thousand eight hundred ninety-three, and by an act to revise and amend the charter of the city of Saginaw, approved April twenty-fourth, one thousand eight hundred ninety-five.

SECTION 1. *The People of the State of Michigan enact,* That section eighteen of title six, of act four hundred fifty-five of the local acts of one thousand eight hundred eighty-nine, entitled An act to annex the territory embraced within the city of East Saginaw to that of the city of Saginaw, and to consolidate the city of East Saginaw with Saginaw, under the name of the city of Saginaw; to specify and fix the boundaries of the consolidated city; to provide for the assuming and payment of the indebtedness and liabilities of the present cities of East Saginaw and Saginaw, and for the ownership of all their corporate property and rights; to define the corporate

rights, powers and privileges of said city of Saginaw, as so consolidated, and to repeal all acts inconsistent herewith, as amended by act number two hundred fifty-seven of the local acts of one thousand and eight hundred ninety-one, approved March twenty-eighth, one thousand eight hundred ninety-one and by act number four hundred two of the local acts of one thousand and eight hundred ninety-three, approved May twenty-third, one thousand eight hundred ninety-three, and by an act to revise and amend the charter of the city of Saginaw, approved April twenty-fourth, one thousand eight hundred ninety-five, be amended, and that a new section be added to title seventeen of said act as amended, said section to stand as section four. Said amended and added sections to read as follows:

#### TITLE VI.

**SEC. 18.** The building, rebuilding and repairing of all sidewalks in said city shall be done under the direction of the board of public works of said city. If any person shall refuse or neglect to build, repair or rebuild any sidewalks in front of his or her premises of such material and width in the time fixed by the ordinance of said city, the board of public works shall construct, repair or rebuild the same, and the cost and expense thereof shall be paid out of the highway fund of the proper taxing district of said city, and such cost and expense of building, repairing and rebuilding such walk, may be recovered from the owner or occupant of the land, in front of or adjacent to which such walk shall be built, repaired or rebuilt, with costs of suit or action to be brought by said city in any court of competent jurisdiction, or such costs and expenses may be assessed upon the lands of such owner or occupant, adjacent to such walk in the same manner as provided for other public improvements. Nothing herein shall be construed as exempting any person from being prosecuted for violating any ordinance of said city relating to sidewalks. If the owner or occupant of any lands in said city shall neglect or refuse to comply with any order of said common council, or board of public works, concerning the repairing or rebuilding any sidewalk in said city, or if such owner or occupant shall suffer any sidewalk in front of his or their premises to be out of repair so as not to be in a condition reasonably safe and fit for travel, such owner or occupant shall be liable to said city for all damages and costs recovered from said city by reason of such sidewalk being out of repair, and such damages and costs may be recovered by said city, in any court of competent jurisdiction, with costs of suit, and any judgment recovered against said city shall be conclusive evidence of the liability of such owner or occupant to said city: *Provided*, That such owner or occupant shall be notified of the pendency of any suit brought against the city, to recover such damages, and requested to assist in the defense thereof: *Provided further*, That any person who is injured upon any of the public highways or

Board of public works to have charge of sidewalks.

To build or repair sidewalk when owner refuses.

City to have action for expense.

Owner to be liable to city for damages from defective sidewalk.

Proviso.

Person injured  
to notify coun-  
cil within lim-  
ited time.

Failure to notify  
council bar to  
action.

streets of said city, by reason of the neglect to keep such public highway or street, bridge or culvert on the same, in repair, and in a condition reasonably safe and fit for travel, shall within sixty days after receiving such injury, or after such injury becomes apparent, notify the common council of said city of the time and place where such injury was received and the manner in which it was received and the nature of the injury. The failure of any person so injured to give such notice within the time and in the manner above required shall constitute a complete bar to any action against said city for any damages that might otherwise be recoverable against said city on account of such injury. No such action shall be maintained in any case unless the same be brought within one year after such injury shall be received.

## TITLE XVII.

School money to  
be raised in east-  
ern taxing dis-  
trict to be ap-  
proved by board  
of estimates.

Provisions for  
estimates for  
school pur-  
poses.

Repealing  
clause.

SEC. 4. No money shall be raised by taxation in the eastern taxing district of said city for school purposes as provided in sections ten and eleven of an act entitled "An act to amend and revise act number four hundred twenty of the local acts of one thousand eight hundred eighty-one, entitled "An act to revise an act entitled 'An act to incorporate the board of education of the city of East Saginaw,'" approved June seventh, one thousand eight hundred eighty-one, as amended by act three hundred thirteen of the local acts of one thousand eight hundred eighty-five, approved April second, one thousand eight hundred eighty-five, and is further amended by act four hundred fifty-eight of the local acts of one thousand eight hundred eighty-nine, approved June twenty-ninth, one thousand eight hundred eighty-nine, and to change the name of said board from "The Board of Education of the City of East Saginaw" to "The Board of Education of the City of Saginaw, East Side," approved April thirtieth, one thousand eight hundred ninety-five, until the estimates therefor have been submitted to the board of estimates, and the same have been approved and certified to by said board as in this title provided. All the provisions of this title shall apply to the estimates for school purposes and money and funds to be raised therefor, in like manner and with the same force and effect as it applies to other funds and estimates therefor, to be raised or borrowed for any purpose by said city or any board thereof. The provisions of this act shall apply to the estimates for school purposes in said eastern taxing district for the year one thousand eight hundred ninety-five, as well as for subsequent years, and the action of said board of education of the city of Saginaw, East side, in submitting the estimates for the year one thousand eight hundred ninety-five, for school purposes, to said board of estimates, and the approval thereof by said board is hereby legalized and confirmed. All acts and parts of acts in any wise contravening the provisions of this act are in so far as they are inconsistent herewith are hereby repealed.

This act is ordered to take immediate effect.

Approved June 1, 1895.



[ No. 466. ]

AN ACT to reincorporate the city of North Muskegon in Muskegon county and to detach certain territory from the town of Laketon in said county and attach the same to said city, and to detach certain territory from the former city of North Muskegon and attach the same to the town of Laketon, and to repeal act number two hundred and fifteen of the local acts of one thousand eight hundred and ninety-one, entitled "An act to incorporate the city of North Muskegon in Muskegon county, and to detach certain territory from Muskegon township in said county and attach the same to said city and to repeal act number one hundred and fifty-nine of the local acts of one thousand eight hundred and eighty-one, entitled 'An act to incorporate the village of North Muskegon.' "

## CHAPTER I.

## BOUNDARIES.

SECTION 1. *The People of the State of Michigan enact,* That the following tract or parcel of land situate in the county of Muskegon, Michigan, described as follows, to wit: *Boundaries.* Commencing at the southwest corner of section eight of town ten north, range sixteen west, Muskegon county, State of Michigan; thence east to intersection of quarter line between fractional lots two and three of said section eight; thence north on said quarter line to the east and west quarter line through section eight and seven to the intersection of said quarter line with the west north and south eighth line of said section seven; thence south along said west eighth line to the south east and west eighth line of said section; thence along said last mentioned eighth line and due west to the center of Bear lake; thence along the center of Bear lake to the section line dividing sections fourteen and twenty-three; thence west along said section line to the northwest corner of said section twenty-three; thence south to the center of Muskegon lake; thence northeasterly along the center of Muskegon lake to the Allegan, Muskegon and Whitehall State road as now established; thence along the southwesterly side of said State road and in a northwesterly direction to the intersection of the section line between sections seven and eighteen of town ten north, of range sixteen west; thence east on said section line to the place of beginning, including all lands in said boundaries and the portion of Bear lake and Muskegon lake included therein, be and is hereby set off from the township of Muskegon and township of Laketon in said county, and declared to be a city by the name of the city of North Muskegon, by which name it shall hereafter be known. And all that portion, piece or parcel of land included in the former city limits of the city of North Muskegon, and not included within the city limits as

established by this act, is hereby detached from said city; and that portion so detached being parts of sections seventeen and eighteen of town ten north, of range seventeen west, is hereby added to and made a part of the township of Muskegon, Muskegon county; and that portion so detached being part of section seven of said town ten north, of range seventeen west, is hereby added to and made a part of the township of Laketon, Muskegon county.

City to be body  
politic.

SEC. 2. The freemen of said city, from time to time, being inhabitants thereof, shall be and continue a body corporate and politic, to be known and designated by the name and style of the "City of North Muskegon," and the said city is hereby made capable of suing and being sued, of pleading and being pleaded, of defending and being defended in all courts of law and equity, and in all other tribunals, and shall have a common seal, which it may alter and change at pleasure, and by the same name is made capable of purchasing and holding, selling and conveying and disposing of any real or personal estate for said city; and the said city shall also have, in addition to the powers hereinafter enumerated, the general powers of municipal corporations by the common law.

Division of city  
into wards.

SEC. 3. The said city shall be divided into three wards, the boundaries of which shall be as follows: The first ward shall embrace all that portion of the city lying northeasterly of the line drawn along the east line of Center street, in said city, extended from the northwesterly limit line of said city to the southeasterly limit line of said city; the second ward shall embrace all that portion of the city lying west of the west line of the first ward and east of the east line of Second street; the third ward shall embrace all that portion of the city lying west of the east line of Second street.

## CHAPTER II.

### OFFICERS.

Elective officers  
and terms of  
office.

SECTION 1. The following officers of said city shall be elected by the qualified electors of the entire city voting in their respective wards, viz.: One mayor, one recorder, one treasurer, one assessor, one chief of police and two justices of the peace, who shall be designated as city officers, and two aldermen and one constable in each ward, who shall be known as ward officers. The mayor, treasurer, chief of police and assessor shall be elected annually and shall hold their offices for one year and until their successors are elected and qualified. The recorder and one justice of the peace shall be elected biennially, and the recorder shall hold his office for two years and until his successor is elected and qualified. The justices of the peace shall be elected biennially and they shall hold their offices for four years and until their successors are elected and qualified. Two aldermen shall be elected by each ward and shall hold their offices for two years and until their suc-

Ward officers  
and terms of  
office.

cessors are elected and qualified, and each ward shall elect one constable who shall hold his office for one year and until his successor is elected and qualified.

SEC. 2. The following officers shall be nominated by the mayor and confirmed by the council on the first Monday in May in each year, viz.: One city attorney, who must be a regular practicing attorney at law, one city physician, who must be a graduate from some medical college, three members of the board of review, and one superintendent of the water department, who shall also be chief of the fire department and street inspector: *Provided*, That the common council shall have the power to combine the office of chief of police and superintendent of the water department, and in such case the chief of police shall discharge the duties prescribed for both of said offices. The common council shall also at said meeting elect one of its number as president *pro tempore*, who shall preside at all meetings of the council in the absence of the mayor. If any nomination made by the mayor is not confirmed by the council he shall make other nominations at that or subsequent meetings until his nominations are finally confirmed.

Appointive officers for one year.

Proviso.

Council to elect president pro tem.

Nominations to office by mayor.

SEC. 3. The common council may also at any regular or special meeting appoint so many policemen, nightwatchmen, sealers of weights and measures, and fire wardens as may be necessary to carry into effect the powers herein granted. All appointive officers may be removed from office at any time for cause by the mayor, who in such case shall file with the city recorder his reasons for such removal in writing.

Officers to be appointed by council.

Removal of appointive officers.

SEC. 4. No person shall be eligible to any elective or appointive office of said city unless he shall be a qualified elector and resident of said city, nor shall any person be eligible to any office in any ward of said city unless he shall be a qualified elector and resident of said ward; and when any officer elected or appointed in said city shall cease to reside in said city, or, if elected or appointed to represent any ward as a ward officer, shall cease to reside in said ward, his office shall thereby become vacant.

Eligibility of officers.

SEC. 5. At the first election held under this act, there shall be elected in and for said city one mayor, one treasurer, one chief of police and one assessor, who shall hold their offices for one year or until their successors are elected and qualified. Also one city recorder, who shall hold his office for two years or until his successor is elected and qualified. Also one justice of the peace, who shall hold his office for four years and until his successor is elected and qualified. There shall also, at [said] this election, be elected by the qualified electors in each ward one alderman, who shall hold his office for two years or until his successor is elected and qualified, and one constable who shall hold his office one year or until his successor is elected and qualified.

Officers to be elected at first election.

SEC. 6. At all subsequent annual elections held after the first election under this act there shall be elected by the electors of the whole city voting in their respective wards, one mayor, one treasurer, one chief of police and one assessor, and,

Officers to be elected after first election.

at each alternate election thereafter, one recorder and one justice of the peace, unless vacancies occur, in which case at the annual election held next after the occurring of the vacancy an officer shall be elected to fill the vacancy; and in each ward there shall be elected one alderman and one constable, unless in case of a vacancy in the office of alderman, when an officer shall be elected to fill the vacancy.

### CHAPTER III.

#### ELECTORS, REGISTRATION AND ELECTIONS.

Qualifications of electors.	SECTION 1. The inhabitants of the city of North Muskegon, having the qualifications of electors under the constitution of the State of Michigan, and no others, shall be electors therein.
Board of registration.	SEC. 2. The board of registration of said city for all elections, both regular and special, and for ward, city, county, district, State and national, and all other elections, shall consist of the two aldermen from each ward, and said board of registration shall meet on the Saturday next preceding said general or special election at the place in the several wards which shall be designated by the common council as the place where the election in each ward shall be held, at nine o'clock in the forenoon and remain in session continuously until nine o'clock in the afternoon, and all proceedings relating to the registration of voters shall be the same as provided by law for the registration of voters at township elections, except as herein otherwise provided. It shall be the duty of the common council to provide for the registration of the voters of said city on the Saturday next preceding the first Monday in April in each fifth year after the year one thousand eight hundred and ninety-five, and for that purpose shall provide new registration books for each ward of said city. Notice of such reregistration shall be given by the recorder of said city by publication in some newspaper published and circulated in said city, or by written or printed notices posted in six or more public places in each ward of said city at least ten days prior to the day above named for said reregistration.
When to meet.	
Provision for re-registration.	
Residence of electors.	SEC. 3. Every elector shall vote in the ward where he shall have resided during the twenty days next preceding the day of election, and the residence of any elector not being a householder shall be deemed to be in the ward in which he lodges.
Voters must be registered.	No person shall be allowed to vote at any election unless his name appears on the registration book for the ward in which he is entitled to vote, except in case of sickness or other inability of such person to be present on the registration day next preceding said election, as provided by the general laws of the State.
Provisions for first election.	SEC. 4. The first election to be held under this act shall be held in each of the several wards on the first Monday in April, one thousand eight hundred and ninety-six at such place in each ward as shall be designated by the common council of the

late city of North Muskegon; and the aldermen of each ward shall be inspectors of such election, in the several wards, and shall be inspectors of the State, district and county election, and they shall appoint one suitable person in each ward who shall act as clerk of said election, and two gatekeepers, and in the case of the absence of one or both such inspectors, the electors present may choose *viva voce* from their number one or more to fill such vacancies, to whom, as well as the clerk appointed as aforesaid, shall be administered the constitutional oath by any person authorized to administer oaths in this State. And they shall certify the result of said election to the common council of the city of North Muskegon in the same manner as hereinafter required for certifying the result of subsequent elections held under this charter to the common council of the city, and the said common council shall have full power to canvass votes, to determine and certify the result in the same manner as the common council of the city may do in subsequent elections held under this act and with like effect. Notice of this election shall be given by the clerk of said city at least ten days before said election, by written or printed notices posted in three public places in each of said wards. The common council of said city shall provide a suitable box with lock and key for a ballot box for each ward.

Inspectors of election.

Result of election to be certified to council.

Council to canvass votes and determine results.

Notice of first election.

Council to provide ballot box.

SEC. 5. The annual elections, after the first, under this act, shall be held on the first Monday of April in each year at such places in each of the several wards as the common council shall designate, notice of which elections shall be given by the recorder of said city at least ten days before the election by posting the same in three public places in each of said wards, or by publishing the same in some newspaper published and circulated in said city. The aldermen of each ward shall be inspectors of such elections, in the several wards, and shall be inspectors of the State, district, county, and all other elections; and they shall appoint one suitable person in each ward who shall act as clerk of said election, and two gatekeepers to keep the gates, and in case of the absence of one or both of such inspectors the electors present may choose *viva voce* from their number, one or more to fill such vacancies, to whom, as well as the clerk appointed as aforesaid, shall be administered the constitutional oath by any person authorized to administer oaths of this State. All elections held under the provisions of this act and the canvass of votes and determining qualifications of electors shall be conducted as near as may be in the manner provided by law for conducting township elections in this State, except as herein otherwise provided; and the inspectors of election shall have the same power and authority for the preservation of order and for enforcing obedience to their lawful commands during the time of election and the canvass of the votes as are conferred by law upon inspectors of general elections held in this State.

Annual elections, when held.

Inspectors of election.

Provisions for holding elections.

SEC. 6. The electors shall vote by ballot; and the same ballot shall contain the names of the persons designated as officers for the city and as officers for the ward. The ballots

Ballots, form and use of.

cast upon any question or proposition submitted to be voted upon shall be separate and shall be deposited in a separate box. And if at any election vacancies are to be supplied in any office, or if any person is to be elected for less than a full term of office, the term for which any person is voted shall be designated on the ballot.

Inspectors to canvass votes after close of polls.

To make certificates of canvass.

Ballot box to be deposited with recorder.

Council to convene and determine results of election.

Council to determine tie by lot.

Recorder to notify person elected

Officers elect to take oath of office.

SEC. 7. Immediately after closing the polls the inspectors of election, without adjournment or recess, shall publicly canvass the votes received by them and declare the result. And they shall, on the same day, and before adjourning, make one certificate of the number of votes given for each person for the several offices to be filled in said city, and also one certificate of the number of votes cast for the several ward officers, together with a statement and certificate in duplicate, setting forth the whole number of votes cast for any other office or on any other question voted upon at such election, which certificate and statement shall be immediately filed in the office of the recorder of said city, together with the poll list, and the register of electors and the box containing said ballots. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this State.

SEC. 8. The common council shall convene on the Thursday following each election at the usual hour and place of meeting and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at said election to the several offices respectively within and for said city and for the several wards therein; and thereupon the recorder shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively, one of which certificates he shall file in the office of the county clerk of the county of Muskegon, and the other shall be filed in the office of the city recorder.

SEC. 9. The person receiving the greatest number of votes for any office in the city or ward shall be deemed duly elected to such office. And if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes the common council shall, at the meeting mentioned in the preceding section, determine by lot between such persons; and the person so determined shall be considered elected to such office.

SEC. 10. It shall be the duty of the recorder, within five days after the meeting and determination of the common council as provided in section nine, to notify each person elected, in writing, of his election. And each of said officers so elected and notified shall, within ten days after such notice, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and deliver the same to the recorder, who shall file it in his office.

SEC. 11. At the next meeting of the common council held after the expiration of the time in which any official bond or oath of office is required to be filed, the city recorder shall report in writing to the common council the names of all persons elected or appointed to any office who shall neglect to file such oath and such official bond.

Recorder to notify council of neglect to file oath or bond.

SEC. 12. If any election of officers provided for by this act shall not be held on the day herein provided for, the said corporation shall not for that cause be dissolved, but it shall be lawful to hold such election at a time thereafter to be designated by the common council, public notice thereof being given for ten days prior to the time appointed, by notices posted in three public places in each ward of said city. And the incumbents of the several offices at the time when such election should have been held, shall continue to hold their respective offices until their successors are so elected and have qualified. All special elections in said city shall be conducted, except as herein otherwise provided, in accordance with the provisions of this act for the conduct of annual elections.

Provisions when election not held.

Special elections.

SEC. 13. The mayor, recorder and city attorney shall be and constitute a board of election commissioners with such powers and duties as are conferred upon boards of election commissioners in cities and villages by the statutes of the State of Michigan.

Board of election commissioners.

## CHAPTER IV.

### VACANCIES IN OFFICE.

SECTION 1. Every office in said city shall become vacant on the happening of either of the following events, viz.: The death, resignation or removal from office of the incumbent, his ceasing to be an inhabitant of the city if a city or appointive officer, or his ceasing to be an inhabitant of the ward for which elected if a ward officer, his conviction and imprisonment for a felony or of any offense violating his oath of office, the decision of a competent tribunal declaring void his election or appointment, his refusal or neglect to take his oath of office or to give his official bond in the manner or within the time required by law: *Provided*, That if a vacancy shall occur in the office of any justice of the peace of said city the city recorder shall immediately notify the clerk of Muskegon county of such vacancy in writing and under the seal of the city.

Causes of vacancies.

Provide.

SEC. 2. When a vacancy occurs in any appointive office it shall be filled in the same manner as hereinbefore provided for the filling of appointive offices.

Vacancies in appointive offices.

SEC. 3. When any vacancy shall occur in the office of mayor, recorder, treasurer, justice of the peace, chief of police, assessor, or alderman, if such vacancy shall occur more than ninety days prior to the first Monday in April following, the common council shall order a special election in the city if a city officer, or in the ward if a ward officer, notice

Filling vacancies in elective offices.

of which special election shall be given by posting a written or printed notice not less than ten days prior to the day appointed for such election, if the election is to fill a vacancy in a city office, in three public places in each ward, and if the election is to fill a vacancy in a ward office, then in three public places in the ward where said vacancy exists; and such special election shall be conducted in all respects as other elections provided for by this act. The board of registration for said special election shall meet on the Saturday next preceding the day appointed for said special election at the same hour and remain in session the same time as herein provided for general elections, and be governed in all respects by the provisions hereinbefore set forth for the government of boards of registration of general elections. Where a vacancy shall occur in the office of mayor, ninety days or less before the first Monday in April following, the president *pro tempore* of the common council shall act as mayor for the remainder of the year, and shall possess all powers and discharge all duties of the mayor. When a vacancy shall occur in the office of recorder, treasurer, assessor or alderman ninety days or less before the first Monday in April following, the common council shall elect some competent person, an inhabitant and elector of said city, and if the vacancy is in the office of alderman, he shall be a resident of the ward in which the vacancy exists, who shall take the required oath of office and file the bond required by law, and hold his office until the next annual election and until his successor is elected and qualified. The common council shall fill all vacancies in the office of constable by the election of some qualified person, an elector of the ward in which said vacancy exists.

When council  
may fill vacancy  
in elective office.

## CHAPTER V.

### POWERS, DUTIES AND COMPENSATION OF OFFICERS.

Powers and  
duties of mayor.

SECTION 1. The mayor shall be the chief executive officer of the city and shall be president of the common council, and shall from time to time give the common council information concerning the affairs of the corporation and recommend such measures as he may deem to be for the best interests of the city. He shall countersign all orders lawfully drawn on the city treasurer and see that all officers of the city faithfully comply with and discharge their official duties, and see that the ordinances and the laws of the city are enforced. He shall be a conservator of the peace of said city, and may exercise within said city the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of able bodied citizens to aid him to suppress riot and disorderly conduct. He shall have power, and it shall be his duty, to preserve order and decorum in the council room during the session of the common council, and for this purpose, may order any disorderly person to be arrested for any dis-



orderly or contemptuous conduct in his presence. He shall have authority at all times to examine the books, records and papers of any agent or officer of the corporation, and shall perform generally all duties as may be prescribed by the ordinances of said city.

SEC. 2. The president *pro tempore* of the common council shall possess the same powers and perform and discharge the same duties as the mayor during the absence, inability, death, resignation or removal of the mayor.

President *pro tempore* to have powers of mayor.

SEC. 3. The recorder of said city shall perform all the duties and have the statutory powers of the township or city clerks in respect to the filing and custody of all papers to be filed, and the performance of all other statutory duties. He shall keep the corporate seal and all the documents, official bonds, papers, files and records of the city, not by this act or the ordinances entrusted to some other officer. He shall be clerk of the common council, attend all its meetings, keep all its records and preserve the same in books to be provided for that purpose. He shall draw all orders on the treasurer for claims and accounts allowed by the common council, and keep an account of the funds to which the same belong. He shall draw orders on the poor fund of said city whenever requested by the overseer of the poor of said city, but not to exceed fifty dollars at any one time without the vote of the common council.

Recorder to have powers of township clerk.

To be clerk of council.

He shall be the general accountant of the city and all claims against the corporation shall be filed with him for adjustment. He shall countersign and register all licenses granted and shall, when required, make and certify under the seal of the city, copies of the papers and records and files kept in such office, the fees therefor to be fixed by the common council; and such copies shall be evidence in all cases of the matters therein contained to the same extent as the originals would be. The recorder shall exercise a general supervision over the receipts, collections and disbursements of the city revenues, and shall make statements thereof to the common council or the mayor, whenever required. He shall have charge of all books, vouchers and documents relating to the accounts, contracts, debts and revenue of the corporation, unless in this act otherwise provided. He shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city and of all debts and liabilities. He shall keep a complete set of books showing the financial condition of the corporation in all its departments, and shall keep an account with the treasurer in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the warrants drawn thereon, keeping a separate account with each one; and when any fund has been exhausted, he shall immediately notify the common council thereof. He shall also perform such other duties pertaining to his office as may be required by the common council or by the provisions of this act. He shall give a bond for the faithful performance of his duties in such sum as the common council shall direct,

To be general accountant of city.

To have charge of all books, papers and vouchers.

Recorder to countersign and register bonds.  
To keep set of books.

Recorder to give bond.

May appoint deputy.	which bond shall be deposited with the city treasurer. He may have a clerk, who may perform all the duties aforesaid, and may be known as the deputy city recorder, under such regulations as shall be prescribed by the common council. He shall make a report to the common council at the close of each month showing the amount drawn by orders upon each fund during the month, and showing fully all moneys received by him during said months, and from what source and for what fund, and shall attach thereto the treasurer's receipts for said moneys, which report shall be examined by a committee of the common council, and if found correct be filed. He shall turn over to his successor in office all books, papers and vouchers and other property belonging to the city upon demand thereof.
To make monthly report to council.	SEC. 4. The city treasurer shall, by virtue of his office, be the collector of all taxes and assessments, both general and special, and of all water rates levied and made therein, except as herein otherwise provided. And he shall, within eighteen days after his election, give bonds to the city in such sum and with such surety or sureties as the common council shall require and approve, and he shall give bonds also to the treasurer of the county of Muskegon in such sum as is or may hereafter be required by law of the several township treasurers of this State; and he shall perform such other duties respecting the collection of taxes and the return thereof as the common council shall require, and shall obey all orders and resolutions of the common council not inconsistent with the provisions of this act; and shall turn over to his successor all moneys, books, papers, and property of every kind and description due and belonging to the city upon demand thereof. He shall keep an accurate account in their respective funds of all receipts, and of all warrants paid by him, and his books shall be open to the inspection of any elector at all reasonable hours. He shall make a statement to the common council at the end of each month showing a full and fair account of the receipts and expenditures for that month as to each fund; and also the state of the treasury at the close of the month, and the balance in each fund, which account shall be left to a committee for examination, and if found correct, shall be filed. He shall pay no money out of the treasury, except in pursuance of and by authority of law and upon warrant signed by the recorder and countersigned by the mayor or acting mayor. All funds of the city collected by its treasurer shall be deposited by him in some bank within said city or within the city of Muskegon in said county, as shall offer the highest rate of interest thereon, and shall give security to be approved by the common council for the safekeeping and repayment upon proper warrants signed and countersigned as above provided. And all moneys so deposited shall at all times be subject to withdrawal upon warrants signed and countersigned as above provided. The interest upon such deposits shall be paid into the city treasury and credited to the amount of the contingent fund of said city. The treasurer shall settle at the close of each month with the treasurer of the school board of the "Public schools of the city
City treasurer to be collector of taxes.	
To give bonds.	
To keep accounts of various funds.	
City treasurer to render monthly account to council.	
Not to pay out money without warrant.	
City funds to be deposited in bank.	

of North Muskegon," and pay over to said treasurer all moneys in the hands of the city treasurer belonging to said "Public school of the city of North Muskegon;" and take his receipt therefor, and shall make report thereof to the common council; and he may appoint a deputy with full power to act in his stead.

City treasurer  
to settle monthly  
with school  
treasurer.

SEC. 5. The assessor shall have and exercise all powers and authority, and shall perform the same duties as are now or may hereafter be imposed by law upon the supervisors of townships, and he shall be a member of the board of supervisors of the county of Muskegon, Michigan, and as such shall be entitled to the same compensation, shall be paid in the same manner and shall perform as a supervisor such other duties as shall be required of him. The assessor shall be a member of the board of review of said city and shall have a vote upon all questions arising before said board.

Powers and  
duties of  
assessor.

SEC. 6. The justices of the peace of said city shall have and exercise therein the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects, so far as the occasion may require, as are or may be conferred upon or be required of justices of the peace by the general laws of this State, excepting as herein otherwise provided; and shall have jurisdiction of all actions brought for the recovery of any fine, penalty or forfeiture imposed by this act or by any ordinance of said city. It shall be the duty of the justices of the peace of said city to keep their offices in said city and attend to all complaints of a criminal nature which may properly come before them. And they shall receive for their services the usual fees provided by law in similar criminal cases; and when engaged in cases for the violation of any ordinance of the city, such fees as the common council shall by ordinance prescribe.

Jurisdiction of  
justices of the  
peace.

Fees.

Any justice of the peace of said city may be suspended or removed from his office by the circuit court for the county of Muskegon, for neglect or refusal to pay over any fines, moneys, penalties or forfeitures, collected by him or for any official misconduct, on charges preferred by the common council. A copy of such charges shall be served on said justice in such a manner as the circuit court shall direct, and an opportunity shall be given to said justice to be heard in his defense. The justices of the peace of said city shall qualify in the same manner and give like security as required by law of the justices of the peace in townships; and the laws of the State applicable to the justices of the peace in townships, and of the courts held by such justices of the peace, excepting as otherwise provided in this act, shall apply to the justices of the peace of said city. They shall pay into the city treasury on the first Monday of each month all fines, penalties or forfeitures collected by them for offenses arising from violations of this act, or for violations of the ordinances of said city and make monthly report thereof to the common council; and all other fees, penalties and forfeitures collected by them shall be disposed of in accordance with the laws of said State. The

Provisions for  
removal from  
office.

Justices of the  
peace to give  
bonds.

To pay fines in-  
to treasury  
monthly.

**Terms of office.** term of office for said justices of the peace shall commence on the fourth day of July next succeeding their election, except when elected to fill vacancies, in which case they shall qualify within eighteen days after notice of their election, and may at once enter upon the duties of their office.

**Powers and duties of aldermen.** SEC. 7. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council, to act upon committees when thereto appointed by the mayor or common council, to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duties, to maintain peace and keep order in said city, and to perform all other duties required of them by this act.

**Powers and duties of city attorney.** SEC. 8. The city attorney, under the direction of the common council, shall have charge of, and conduct all the legal business of the corporation, and in which it shall be interested, and shall be the legal adviser of the common council and of all the officers of the city upon all matters appertaining to the business of said city, and the enacting of its laws and ordinances when submitted to him for his opinion. Whenever any moneys belonging to said city shall come into his hands he shall immediately pay the same into the city treasury. And he shall prosecute all offenses against the ordinances of said city.

**Powers and duties of city physician.** SEC. 9. The city physician shall be the health officer of said city. It shall be his duty to look after the sanitary condition of the city, and for such purpose may order the removal of any nuisance in said city twenty-four hours after the giving of a written notice to the property owners upon whose premises said nuisance exists; and may make complaint before any justice of the peace against any person for the unlawful maintenance of any nuisance in said city. As city physician, he shall treat all the dependent poor of said city who are in need of the services of a physician or surgeon whenever required by the chief of police or other person acting as overseer of the poor of said city.

**Powers and duties of chief of police.** SEC. 10. The chief of police shall see that all by-laws and ordinances of the common council are properly and efficiently enforced. He shall obey all the lawful orders of the mayor, and may command the aid and assistance of all constables and all other able-bodied persons in the discharge of the duties imposed on him by law. With the advice and consent of the common council, and subject to their approval, he may appoint one or more deputies who shall have the same powers and perform the same duties as the chief of police, and for whose official acts he shall be in all respects responsible; and the chief of police and his deputies, on behalf of the corporation of said city, shall have the same power to serve and execute all process on behalf of the corporation of said city, or of the people of the State as sheriffs or constables have by law to execute similar process. The chief of police shall also possess the powers of constables under the laws of this State, and have such other powers as are mentioned in this act, and shall perform such duties as are prescribed in this act, or may be required of him

by the common council from time to time. He shall also be overseer of the poor of said city, and as such shall discharge the duties of the overseer of the poor therein, and shall have the custody of all paupers residing therein, excepting county paupers, and shall have the disbursement of all moneys raised in said city for the support of city and county paupers under such regulations as the common council may provide. He shall make requisitions upon the city recorder for orders for money whenever the same may be required for the care and support of the poor of said city or the burial of deceased paupers therein, but not to exceed ten dollars at any one time unless by vote of the common council. He shall make a full report to the common council of all his doings as overseer of the poor and of all the moneys disbursed and for what purpose, at the close of each month, which report shall be verified by his affidavit, be examined by a committee of the common council and filed if found correct. Before entering upon the discharge of the duties of his office, the chief of police shall give a bond to the city for the faithful performance of his duties as chief of police, and also a bond to the city for the faithful and honest discharge of his duties as overseer of the poor under the provisions of this act, both of which bonds shall be in such amount and with such surety or sureties as shall be fixed by the common council before said officer shall enter upon the discharge of his duties.

Chief of police  
to act as over-  
seer of the  
poor.

SEC. 11. The superintendent of the water department shall also be street inspector, and also chief of the fire department. He shall have full charge of the running and operating of the water department of said city, under such rules and regulations as shall be prescribed by the common council, and shall have full charge and control of the fire department under such rules and regulations and such ordinances as may from time to time be prescribed by the common council; and shall perform such other duties as shall be required of him by the common council. As street commissioner, he shall have all the powers and authority, and perform the duties prescribed for highway commissioners under township laws of this State, excepting as herein otherwise provided, and shall also perform such other duties as may be prescribed by the ordinances or laws of said city. He shall give a bond to the city in such sum and with such surety or sureties as shall be fixed by the common council, which bond shall be filed and approved by the common council, before he shall enter upon the duties of his office.

Powers and  
duties of su-  
perintendent  
of water de-  
partment.

To act as street  
commissioner.

SEC. 12. The constables of said city shall have the same power and authority as is conferred by the law upon constables in the townships of this State, and shall give the same security as is required by law of constables in townships in this State, and they shall receive the same fees for their services as is provided by law for constables in townships and by the ordinances of the city.

Powers and  
duties of  
constable.

SEC. 13. All officers whose duties are not herein expressly prescribed, and which the common council has authority to appoint, shall perform such duties, and give such security as

Council to pre-  
scribe duties of  
certain officers.

the common council shall require, and shall be paid such compensation as shall be determined by the common council.

Compensation of city officers.

SEC. 14. The officers of the city shall receive compensation for their services as follows: The mayor shall receive one dollar per year, and shall receive no other compensation except when he serves on the board of review, where he shall receive such compensation as shall be fixed by the common council for each member of said board; the aldermen shall serve without compensation, but when required to serve on any registration or election board shall receive the same compensation as other members of said boards, the recorder, treasurer, assessor, chief of police, and superintendent of the water department shall be paid annual salaries to be fixed by resolution of the common council at the first meeting in May each year; and they shall not be decreased during the term for which said officers were elected, and shall not be increased except by the vote of five-sixths of all the aldermen of the city; the city attorney shall receive such compensation as shall be fixed by the common council; the city physician shall be paid such compensation as shall be determined from time to time by the common council. Neither the recorder, treasurer, assessor or superintendent of the water department shall receive any compensation except such as shall be fixed by the common council, unless otherwise provided in this act, and all fees collected by them shall be paid into the city treasury. The chief of police shall receive the fees allowed by law for the service of legal papers in addition to the compensation fixed by the common council. The compensation of all members of boards of registration, election, review and assessment shall be fixed by the common council.

Not to be decreased during term of office.

Council to fix compensation of certain officers.

## CHAPTER VI.

### OF THE COMMON COUNCIL AND ITS POWERS.

Organization of council.

SECTION 1. The mayor, aldermen and recorder of said city shall constitute the common council. The mayor shall preside at all meetings of the council, but shall have no vote except in case of a tie, when he shall have the casting vote. The recorder shall attend all the meetings of the council and keep the records and act as clerk thereof, but shall have no voice or vote in its deliberations. The first meeting of the new common council in each year shall be held on the first Monday in May, at the common council room in said city.

Council to elect president pro tempore.

SEC. 2. On the first Monday in May the common council shall elect from its number a president *pro tempore*, who shall, in the absence of the mayor, preside at the meetings of the council and exercise his other powers and duties. He shall have a vote upon all questions and in case of a tie shall have the casting vote.

**SEC. 3.** The common council, in addition to the powers and duties specially conferred upon them in this act shall have the full management and control of the finances, rights and interest, buildings, and all other property, real and personal, belonging to the city, and may sell and dispose of the same by conveyance to be executed by the mayor and recorder for said city and under the corporate seal of the city, in accordance with the directions of the common council, and the common council shall have power, within said city, to enact, continue, establish, annul, amend, and repeal such ordinances, by-laws, rules and regulations as they may deem necessary for the following purposes, viz.:

Council to have control of all city property.

To enact certain ordinances.

*First,* To restrain and prevent vice and immorality, gambling, noise and disturbance, disorderly conduct, and punish for the same, and prevent and quell riots, and to preserve peace and good order, and to protect the property of the corporation and its inhabitants, and punish for injury thereto, or for unlawful interference therewith;

To prevent vice and immorality.

*Second,* To prevent and punish vagrants, drunkards and disorderly persons;

To punish disorderly persons.

*Third,* To prevent and abate nuisances and punish those occasioning them, or neglecting or refusing to abate the same. And to prohibit and remove anything tending to cause or promote disease, and to determine and declare what shall be deemed nuisances;

To abate nuisances.

*Fourth,* To prevent and suppress all disorderly houses and places, houses of ill fame and gambling houses, and to punish the keepers thereof;

To suppress disorderly houses.

*Fifth,* To regulate and license billiard tables, nine and ten pin alleys, or bowling alleys and to punish the keepers thereof. To prohibit and suppress every species of gambling, and to authorize the destruction of all articles and devices used for the purpose of gaming or in connection therewith;

To regulate billiard tables and bowling alleys.

*Sixth,* To regulate places [kept] for the sale of malt, brewed, or fermented liquors, and to require all such places to be closed on Sunday, and upon such other days and during such hours of every night as the common council shall prescribe. But the common council shall not permit or allow any saloon or place for the sale of malt, brewed or fermented liquors to be operated, kept or maintained within three hundred feet of any public school house in said city;

To regulate saloons.

*Seventh,* To regulate, restrain and prohibit all exhibitions of natural or artificial curiosities, caravans, circuses, theatrical exhibitions, and all exhibitions of whatever name or nature for which money or other reward is in any manner demanded or received;

To regulate exhibitions.

*Eighth,* To prevent or punish violations of the Sabbath day, and the disturbance of any religious meeting or society, or any other public meeting for any lawful purpose;

To prevent violations of Sabbath.

*Ninth,* To regulate or prohibit the sale of goods, wares, property or any other article at auction by any manner of public bidding or offers by the buyer or seller after the manner of auction sales. And to license the same, and to regulate the

To regulate or prohibit auctions.

fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue. And the common council shall have power to establish the office of city auctioneer under such regulations as they shall deem proper, and to prohibit auction sales by any other person except the city auctioneer;

To license peddlers and pawnbrokers.

*Tenth,* To license hawkers, peddlers and pawnbrokers, and hawking and peddling; and to regulate, license or prohibit the sale of peddling of goods, wares, merchandise, refreshments, or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any standing cart or vehicle, or any device in the street, highways, or in or upon the wharves, docks, open spaces or places, buildings or grounds in the city, or from any vessel or boat of any description lying at anchor or moored along side any wharf or dock, or in any of the waters within the jurisdiction of said city;

To license and regulate harbor tugs.

*Eleventh,* To license and regulate the use of tugs and other boats used in and about the harbors and within the jurisdiction of the city;

To license and regulate ferries.

*Twelfth,* To establish or authorize, license and regulate ferries to and from the city or any place therein or from one part of the city to another, and to regulate and prescribe from time to time the charges and prices for the transportation of persons and property thereon, and to subsidize one or more ferry lines to and from said city to the city of Muskegon, the aggregate cost thereof not to exceed the sum of one hundred and fifty dollars in any one season;

To regulate and license hired vehicles.

*Thirteenth,* To regulate and license all vehicles of every kind used for the transportation of persons or property for hire in the city, and to prescribe from time to time the charges for the transportation of persons and property therein. To regulate and license all toll bridges within the city and to prescribe the rates and charges for passage over the same;

To regulate and license toll bridges.

*Fourteenth,* To provide for and regulate the inspection of meats, poultry, fish, vegetables and other provisions;

To provide for inspection of meats and vegetables.  
To regulate inspection and weighing of merchandise.

*Fifteenth,* To regulate the inspection of weighing or measuring brick, lumber, firewood, coal, hay and any article of merchandise;

To provide for inspection of weights and measures.

*Sixteenth,* To provide for the inspection of weights or measures, and to enforce the use of proper weights and measures by vendors;

To regulate construction of vaults, cisterns, and sewers.  
To regulate bathing in city waters.  
To provide for clearing rivers and lakes in city.

*Seventeenth,* To regulate the construction, repair and use of vaults, cisterns, hydrants, pumps, sewers and gutters;

*Eighteenth,* To regulate or prohibit bathing in rivers or lakes, or other waters within the jurisdiction of the city;

*Nineteenth,* To provide for the clearing of the rivers and lakes within the jurisdiction of the city, of all drift wood and noxious matters, and to prohibit and prevent the deposit therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive;



*Twentieth,* To prohibit or to regulate the keeping, selling and using of gunpowder and firecrackers and fireworks, and other combustible materials, and the exhibition of fireworks and the discharge of firearms; and to restrain the making or lighting of fires in the streets and other open places in the city;

To regulate keeping and use of explosives.

*Twenty-first,* To prohibit, prevent and suppress every fraudulent device or practice, and to punish all persons managing, using, practicing or attempting to practice, manage or use the same, and all persons aiding therein;

To prohibit and suppress fraudulent devices.

*Twenty-second,* To license and regulate solicitors for passengers or for baggage, or for any public house or railroad, and also draymen, carmen, truckmen, porters, runners for cabs, coaches, carriages, sleighs and vehicles of every other description used and employed for hire, and to fix and regulate the amount and rate of their compensation;

To license and regulate hackmen and baggagemen.

*Twenty-third,* To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city from any other place, any pauper or any other person likely to become a pauper or charge on said city, and to punish therefor;

To provide for care of paupers.

*Twenty-fourth,* To provide for taking the census of the inhabitants of the city whenever the council shall see fit; and to regulate and direct the same;

To provide for taking census.

*Twenty-fifth,* To establish, regulate and maintain one or more pounds, and to restrain, prevent or regulate the running at large of horses, cattle, swine, geese, or poultry or other animals, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping and impounding;

To establish pounds.

*Twenty-sixth,* To license and regulate the running at large of dogs, to require them to be muzzled and to authorize their destruction when running at large in violation of any ordinance;

To license dogs.

*Twenty-seventh,* To regulate the location of all slaughter houses and markets, and buildings for storing gunpowder and other combustible and explosive substances;

To regulate location of slaughter houses and store houses for combustibles.

*Twenty-eighth,* To prevent the encumbering of streets, sidewalks, crosswalks, alleys, bridges, docks, wharves, or slips in any manner whatever; to determine and designate the route of any railroad to be built in said city, and to regulate the use of locomotives, engines and cars on the railroads within said city;

To prevent encumbering highways.

To regulate railroads in city.

*Twenty-ninth,* To compel all persons to build sidewalks in front of the premises owned and occupied by them. To establish the grade thereof and the width and style in which the same shall be constructed, and the material thereof, and to require such persons to keep the same in repair and clear from snow, ice, dirt, wood and all obstructions; and to provide in case any such person shall refuse or neglect to build said sidewalks or keep the same repaired after proper notice thereof, as shall be provided in said ordinance, that the city shall, in the manner prescribed by ordinance, build or repair the same, and

To compel building of sidewalks.

	make the costs thereof charges against the property in front of which the same shall be built or repaired, or to provide for the recovery thereof by action of assumpsit in a competent court;
To provide for numbering buildings.	<i>Thirtieth</i> , To provide for and regulate the numbering of buildings upon the streets and alleys and to compel the owner or occupants of the buildings to affix numbers on the same;
To regulate placing of telegraph poles.	<i>Thirty-first</i> , To regulate the placing and using of all telegraph, telephone, and electric poles and lights;
To provide for public grounds and parks.	<i>Thirty-second</i> , To provide for public squares and parks, and make grades and improve the same, and all grounds in said city belonging to or under the control of the corporation, and to control and regulate the same consistently with the purposes and objects thereof;
To prevent fast driving.	<i>Thirty-third</i> , To prevent horse racing and immoderate riding or driving in any street, and to authorize the stopping of any person who shall be guilty of any such driving or riding in any street;
To establish fire limits.	<i>Thirty-fourth</i> , To prohibit, restrain or regulate within such parts of the city as it may deem expedient, the building, rebuilding, enlarging, repairing or placing of wooden buildings therein, and to regulate and establish the line upon which buildings may be erected upon any street or alley in said city, and to prevent such buildings being erected nearer the street than such line;
To regulate street lines for buildings.	<i>Thirty-fifth</i> , To establish a grade line for streets and sidewalks and the width and style of curbing on streets and to cause all streets, sidewalks and curbing to be constructed in accordance therewith;
To establish grades and curbs of streets.	<i>Thirty-sixth</i> , To prescribe the duties of all officers appointed by the common council if not otherwise herein provided, and their compensation, and the penalty for failure to perform such duties; and to determine all bonds and sureties to be given by the officers of the city for the discharge of their duties, and to authorize and regulate the fees and costs to be charged by officers;
To prescribe duties of certain officers.	<i>Thirty-seventh</i> , To fix and regulate the fees of jurors or witnesses or other officers in proceedings under this act or under any ordinance of the common council;
To regulate fees of witnesses and jurors.	<i>Thirty-eighth</i> , To control, prescribe and regulate the manner in which the highways, streets, alleys, sidewalks, public grounds and places within said city shall be used;
To regulate planting of shade trees.	<i>Thirty-ninth</i> , To provide for, direct and regulate the planting of ornamental trees in said city, and to provide for the preservation thereof;
To establish almshouses.	<i>Fortieth</i> , To establish, organized and maintain an almshouse, and provide for the necessary buildings therefor, either within or without the city limits, and to appoint the necessary officers therefor, and to provide for the government thereof;
To establish jail.	<i>Forty-first</i> , To establish buildings for a jail, workhouse or house of correction for the confinement of offenders, and control and regulate the same, and to provide for the sentence and confinement in said jail, workhouse or house of correction, or in the county jail of Muskegon, or in any appropriate State

institution at hard labor or otherwise, of all persons liable to be imprisoned under this act or any ordinance of said common council, whenever convicted thereof by any court having jurisdiction over the same, and to compel any person confined in any such jail, workhouse or house of correction, in consequence of any violation of any ordinance of said city to work at hard labor upon the streets and alleys of said city, or in or upon the buildings and premises belonging to said city during the time the detention of said person is authorized in the places above mentioned;

May compel inmates to work on streets.

*Forty-second,* To regulate the burial of the dead and to compel the procuring in proper form of burial permits;

To regulate burials.

*Forty-third,* To survey and establish the boundary lines of the city and of all highways, streets, avenues, lanes, alleys, public parks, squares and spaces in said city, and to prohibit and remove all incumbrances upon the same by any building, fences, or any other article or thing;

To establish city boundaries.

*Forty-fourth,* To preserve the salubrity of the waters of Muskegon lake, Bear lake and Bear creek, of other waters within the jurisdiction over the purity of said waters, and to prevent the same from being filled with obstructions of any kind or character, and may appoint a harbor master and regulate his duties and powers and fix his salary or other compensation;

To preserve salubrity of certain waters.

*Forty-fifth,* The city may acquire by purchase within the limits of said city, or within the limits of the township of Laketon, in the county of Muskegon, as the common council may determine, any lands which it shall consider to be necessary for the purpose of using and maintaining a cemetery, and may direct and regulate the use thereof, and make such rules and regulations as it shall deem necessary or proper for the care thereof;

City may acquire certain cemetery lands.

*Forty-sixth,* It shall cause a correct map of such cemetery to be made and certified by the civil engineer who shall make the same, and shall approve and adopt said map and file a copy thereof in the office of the city recorder. And it may elect or appoint a sexton, and provide for his compensation and define and determine his duties and powers and may regulate the price which shall be charged for burial lots within said cemetery, and may prevent the burial of the dead at any place within the limits of the city, except in such cemetery.

To cause map of cemetery to be made.

May appoint sexton.

To regulate price of cemetery lots.

SEC. 4. The common council shall have power to assess, levy and collect taxes for the purpose of the corporation upon all property made taxable by law for State purposes, which taxes shall be liens upon the property taxed until paid.

Council to assess and levy taxes.

SEC. 5. The common council shall have power, and it shall be their duty, to adopt measures for the preservation of the public health of said city, and to prevent the spread of any infectious or contagious disease and to prohibit the practice of any dangerous avocation within the limits of the city.

To provide for public health.

SEC. 6. The common council shall have power to cause common sewers, drains, vaults, arches, bridges and reservoirs to be built in any part of said city, to build and operate water

To make certain public improvements.

works, electric lights or gas works, maintain a fire department and appropriate money for such purposes. It shall have the power to establish, open, widen, extend, straighten, alter, vacate and abolish highways, streets, alleys and public grounds or spaces within said city, and to grade, pave, repair and otherwise improve highways, streets, avenues, lanes, or alleys and crosswalks and sidewalks within said city.

Council to be judge of election and qualifications of members.  
Holding of meetings.

SEC. 7. The common council shall be judge of the election and qualifications of its own members, and it shall hold regular and stated meetings at such times and in such place as it shall determine. The mayor or any two aldermen may call special meetings of the common council by notice to be given to the several aldermen at least two hours before the time for the meeting. Said notice to be in writing and served by the chief of police or some one of his deputies and return made of said service, showing service of said notice on all the aldermen of said city.

Meetings to be public.

Exception.

Quorum.

SEC. 8. The meetings of the common council shall be public, unless in the judgment of said council it shall be for the best interest of the city to have any portion of a certain meeting secret, in which case it shall be within the power of the council so to order. A majority of the aldermen of the city shall constitute a quorum, but a less number may meet and adjourn and may compel the attendance of absent members under such regulations as shall be determined by ordinance.

City officers to attend meeting of council.

Council may compel attendance of officers.

SEC. 9. The city attorney, city physician, chief of police, and superintendent of the water department may attend and take part in all meetings of the common council, but without the right to vote, and the common council may compel the attendance of any such officer at any meeting of the council after a proper notice; and the refusal to attend by any such officer after such notice without good cause, shall be deemed to be sufficient cause for his removal by the mayor as herein-before provided.

Council to provide for appointment of standing committees.

SEC. 10. The common council may, by ordinance or resolution, provide for the appointment of standing committees of its members who shall have charge of such matters as shall be referred to them. They shall be appointed by the mayor.

Auditing and allowance of accounts.

SEC. 11. The common council shall audit and allow all accounts chargeable against the city, but no account shall be allowed for the purchase of any article of any kind or character unless there shall be attached to said account the certificate of the official agent or employe of said city, who shall have ordered the said articles to be purchased. And no account shall be allowed for any labor or services performed for said city, except regular salaries, unless the official or agent of said city who ordered or directed said labor or services to be performed shall certify that the labor or service set forth in said account were actually performed by the person rendering said account.

Claims for damages against city.

All claims for damages against said city growing out of the negligence or default of said city or of any of its officers or employes, shall be presented to the common council at a regular meeting thereof, accompanied by an affidavit setting forth

the nature of the negligence complained of and the nature and extent of the injury and the amount of damage claimed from the city, and for the purpose of examination into said claim the common council may take a reasonable time not exceeding two months. And in any action in any court upon any such claim the claimant shall be required to show that such claim has been duly presented to said common council while in regular session in the manner above set forth for audit, adjustment and allowance; and without such proof such action shall fail, and such claimant barred from recovery. All salaries shall be paid monthly after being duly audited and allowed by the common council.

Salaries to be paid monthly.

SEC. 12. The common council is hereby authorized to perform the same duties in and for said city as are by law imposed by township boards of the townships of this State in reference to schools, public library and school taxes, and highway, county and State taxes, and in reference to the support of the poor of said city, except as may be herein otherwise provided, and in reference to district, State, county and other elections.

Council to have powers of township board.

SEC. 13. The city of North Muskegon shall have power to take, accept and hold any real or personal estate, whether by gift, bequest or devise for any purpose connected with the parks, cemeteries or public grounds of said city, or for any public institution or charity, and when accepted it shall be the duty of the common council to use and appropriate the same for the uses and purposes mentioned in the instrument giving, granting or devising the same, and for no other purpose.

City may acquire and hold property.

SEC. 14. All moneys received by said city for fines, penalties and forfeitures, and for fees, shall be disposed of as the common council shall direct.

Disposition of fines and fees.

SEC. 15. The style of all ordinances of the common council shall be, "The common council of the city of North Muskegon ordain," and all ordinances shall require for their passage the concurrence of the majority of all the aldermen elect, and the time when any ordinance shall take effect shall be prescribed therein, and no ordinance which prescribes a fine or imprisonment as a penalty for violation thereof shall take effect in less than ten days after its first publication. When any ordinance is first presented to the common council for passage it shall be read at full length, and then, without further action being taken, shall lay over for at least one week, and then may be taken up at a regular or special session and acted upon. Amendments to such proposed ordinance may be offered either at the first reading or at the time of passage. Immediately after the passage thereof all ordinances shall be presented to the mayor or acting mayor for his signature. If approved by him he shall sign such ordinance; if disapproved by him, he may veto the same within twenty-four hours by filing his reasons in writing with the city recorder. No ordinance or resolution passed by the common council shall have any force or effect if within twenty-four hours after its passage the mayor or acting mayor shall lodge in the office of the city recorder his reasons why the same should not go into effect.

Regulations for the enactment and passage of ordinances.

Mayor may veto.

But the common council at its next regular meeting held after the filing of such veto may pass said ordinance or resolutions by a vote of five-sixths of all the aldermen elect, in which case said ordinance or resolution shall take effect the same as though it had not been vetoed by the mayor or acting mayor; but said mayor shall have the power to veto any separable or distinct part of any ordinance or resolution, in which event the part or portion vetoed shall not go into effect, except it be repassed in the manner in this section provided. But the remainder thereof shall go into effect the same as though no veto had been interposed.

Ordinances to  
be filed and  
recorded.

SEC. 16. All ordinances when finally executed shall be immediately filed in the office of the city recorder, who shall enter the same at large in a separate book to be kept for that sole purpose, and known as the "Ordinance book of the city of North Muskegon," and in the minutes of the common council of the meeting at which such ordinance was passed there shall be reference to the entry of said ordinance in the ordinance book with the page or pages on which the same is entered, but said ordinance need not be spread at large on the records of said council.

Publication of  
ordinance pre-  
scribing penalty.

SEC. 17. Within one week after the passage of any ordinance for which a penalty by fine or imprisonment shall be provided for the violation thereof, it shall be published in some newspaper circulated in the city of North Muskegon, and said publication shall continue for two issues of said paper. An affidavit of the publisher of such newspaper showing the publication of such ordinance shall be procured and attached to such original ordinance and remain on file with the city recorder; and such affidavit shall be *prima facie* evidence of the legal publication of such ordinance. And all ordinances of the common council printed and published by its authority shall in all courts and places and proceedings be received without further proof as *prima facie* evidence thereof, and their legal enactment and publication. And in all courts having authority to hear, try or determine any matter or cause arising under the ordinance of the city, judicial notice shall be taken of the enactment, existence and publication of all such ordinances and of their continuing force. The common council may cause any other ordinance or resolution to be published when it deems it for the best interests of said city so to do, and, in case publication of any ordinance or resolution not required to be published by this act shall be ordered by the common council, it shall be published in the same manner as herein provided for other ordinances and proof thereof shall be made in the same way and with like effect.

Evidence of  
ordinances.

Council may  
cause publica-  
tion of any or-  
dinance.

Penalties that  
may be prescrib-  
ed in ordinances.

SEC. 18. When by the provisions of this act the common council has authority to pass an ordinance for any purpose, it may prescribe a fine or penalty not exceeding one hundred dollars unless a greater fine or penalty is herein authorized, or imprisonment not exceeding three months, or both, in the discretion of the court, together with the costs of the prosecution for each violation of any ordinance; and may provide that the

offender, on failing to pay such fine or penalty and the costs of prosecution, may be imprisoned in the county jail of Muskegon county, or in the jail or workhouse of said city of North Muskegon or the Detroit House of Correction for a term not exceeding ninety days.

SEC. 19. The common council shall have the power to remit taxes or any special assessments in said city on account of the inability of the person liable for said taxes or assessments to pay the same by reason of poverty or misfortune, and may exempt from taxation the real and personal property of any post of the Grand Army of the Republic or any benevolent association of veterans of the war of one thousand eight hundred and sixty-one, or any woman's relief corps.

Power of council to remit taxes.

SEC. 20. The common council shall also have the power and authority to enter into a contract with the owners of manufacturing or industrial enterprises, or any person or corporation contemplating locating in said city for the carrying on of any manufacturing or industrial business, and which will contract to employ in its business an average of not less than twenty-five persons daily during the working days of the year, to exempt said owners, persons or corporation from taxation for all city and school purposes and from payment of water rates, upon their plant for manufacturing purposes and the personal property which is the product thereof and upon the raw materials which are kept in stock to be manufactured in said plant, for not to exceed ten years after the date of said contract: *Provided*, That the council before entering into any such contract shall submit the matter to a vote of the tax payers of said city at a special election to be held for that purpose only. The common council, if it decide to submit any such proposition to a vote of the people of said city, shall by resolution appoint a time and place in said city for the holding of said election, and in said resolution shall also direct the recorder of said city to cause to be posted in five public places in each ward of said city, a notice either written or printed at least ten days before said election stating the time and place of said election, and stating the object of said election to be to vote upon the question whether the common council shall enter into contract to exempt for a term of years to be stated therein a certain person, copartnership or corporation, organized or to be organized, and giving the name of said person, copartnership or corporation, upon the establishment in said city by said person, copartnership or corporation of a plant for the manufacture of some commodity which shall be named in said notice. If such vote is submitted at a time other than a regular election held in said city, the alderman in each ward whose term of office shall soonest expire, together with two taxpayers and electors of said city to be appointed at said meeting, shall constitute a board of inspectors and canvassers for said election and shall have full charge of the said election. They shall before entering upon the duties of their offices, take the constitutional oath of office, and shall organize by electing from their number a chairman who shall be the person to

Council may contract to remit taxes of manufacturer.

Provide.

To be submitted to electors.

Provision for special election.

Opening and closing of polls.	receive the ballots from the electors, and a clerk who shall keep the poll list. The polls of said election shall be opened at eight o'clock in the forenoon and remain open continuously till seven o'clock in the afternoon. If such vote is submitted at a regular election held in said city, then the law governing such regular election shall be followed. All ballots cast shall be either written or printed, and ballots in proper form shall be supplied by the city recorder at the expense of the city. The ballots shall be in the following form: "For the contract—Yes," "For the contract—No," and an ample supply of both kinds shall be furnished. After the closing of the polls and without recess or adjournment the board of inspectors shall publicly canvass the votes cast in the same manner as at other elections, and shall publicly declare the number of ballots cast and the number of each kind, and shall, before adjournment, make a certificate thereof which shall be signed by all of the inspectors and filed at once with the recorder of said city, who shall securely attach the same to a copy of the notice of said election and report the same to the common council at a special meeting to be held the day following said election or as soon thereafter as may be or on the day named by this charter for the canvass of votes by said common council cast at any regular election, and said notice certificate shall be entered at large upon the records of said meeting. If at the said election the majority of votes cast shall be "For the contract—No," that shall end the matter, but if the majority of said votes shall be "For the contract—Yes," then the common council may by resolution instruct the mayor and recorder to execute a contract in accordance with the first resolution of the council, and with the vote at said election, for and in behalf of the common council and the city, and such contract when so executed and delivered shall be binding upon the city. Said contract shall recite at full length the notice for said special election, and said certificate of the inspectors of said election and said resolution instructing the mayor and recorder to execute said contract, and after stating the body of said contract particularly, shall provide that, should the person, copartnership or corporation, or their heirs, assigns or successors for any reason during the term of said contract suspend the operation of said plant for a period of more than ninety days in any one calendar year, or shall reduce its working forces of employes or laborers within and about its plant in said city to less than twenty-five persons, then the common council may by resolution declare said contract no longer binding on said city, and direct the assessment and taxation of the property included within the terms of said contract the same as other taxable property in said city. And the adoption of such resolution in proper manner shall operate to wholly cancel said contract and destroy its binding force upon all parties thereto. No tax or assessment levied for city or school purposes in said city shall be invalid by reason of said contract having been executed, nor by reason of the fact that the property mentioned in said con-
Ballots.	
Canvass of votes.	
Mayor and recorder to execute contract.	
When council may suspend contract.	
Taxes not to be invalidated by contract.	



tract and included within its terms is not made to bear any part or portion of such taxes or water rates.

SEC. 21. The common council shall exercise all powers necessary to enable it to establish and maintain a water department in said city and shall by ordinance fix the water rates and provide for the time when the same shall be paid and the manner of certifying to the city treasurer the persons chargeable therewith and the penalty for non-compliance therewith.

Powers of council in establishing water plant.

SEC. 22. The common council shall have the power to grant franchises for the use of the streets and alleys in said city for street railway purposes and for the establishment of lines for electric lights, telegraph and telephone line, and to companies for manufacture and distribution of gas for illuminating or other purposes, and for any other public purpose for the advancement of the interests and welfare of said city, under such terms and regulations as it shall impose. It shall also have the right to grant to any company or corporation a franchise to build, erect and maintain a toll bridge or a toll road, or a toll bridge and road combined, from any point in said city to be designated in said franchise, and out into Muskegon lake or Bear lake as far as the jurisdiction of said city extends, and regulate the same.

Council may grant franchises to street railways.

To electric light and telephone companies.

To certain toll companies.

SEC. 23. The common council shall have the right to fix the names of the streets and avenues in said city and may alter the same and may provide for a record thereof to be made and preserved in the office of the recorder of said city.

Council to fix names of streets and avenues.

SEC. 24. The common council shall have the right to order a resurvey to be made of said city and of all streets, alleys, lanes and public grounds therein, and to renumber the lots and blocks of the city and to order the same to be replatted, rename the additions and subdivisions; and may adopt said map, and when adopted said map shall be filed in the office of the city recorder and a copy thereof filed in the office of the register of deeds of said county. And upon the adoption of said map by the common council of said city it shall be the authentic and legal map of said city, shall be used by the assessor in making all assessments and shall be admitted in evidence in all courts without further proof than proof of its adoption by the common council, or of its filing, if it is the copy offered, in the office of said register of deeds.

Council may order resurvey and replatting of city.

Adopted map to be filed in office of register of deeds.

SEC. 25. The common council of said city may designate and appoint any one of the justices of the peace of said city, whose term of office will not expire that year, to be and act as police justice, and he shall give a bond to the city of North Muskegon in such sum and with such sureties as the common council shall determine, conditioned upon the faithful performance of his duties, and said bond shall be approved by the council and filed in the office of the city recorder before he shall enter upon the duties of his office, and said justice shall faithfully account for all moneys coming into his hands as police justice, belonging to the city, and pay the same into the city treasury at the end of every month.

Council may designate police justice.

Police justice to give bond to city.

Jurisdiction of  
police justice.

SEC. 26. Such police justice shall, except in his absence or inability to act, have exclusive jurisdiction to hear, try and determine all prosecutions under the ordinances of the city, and to hear, try and determine all actions for the recovery of fines, penalties or forfeitures for violation of any of the ordinances of said city, and to punish offenders for the violation of any ordinance, as in said ordinance prescribed.

Provisions in  
case of inability  
of police justice.

SEC. 27. In case of sickness of the police justice or his absence from the city, or his inability for any other cause to discharge the duties of his office, or in case of a vacancy in said office, any other justice of said city shall be competent to discharge the duties of said office.

Jurisdiction of  
justices of the  
peace.

SEC. 28. The justices of the peace of said city shall have exclusive jurisdiction where jurisdiction is given to justices of the peace by the laws of State of Michigan, in civil causes. Where both parties to the cause are residents of said city, or where the subject matter of the suit was originally between residents of said city and assigned to non-residents of said city, or where a defendant is a resident of said city and a plaintiff is non-resident of the county of Muskegon.

## CHAPTER VII.

### ENFORCEMENT OF ORDINANCES.

Provisions for  
recovery of pen-  
alty for violation  
of ordinance.

SECTION 1. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision in said ordinance shall be made for the imprisonment of the offender, such penalty or forfeiture may be recovered in an action of debt or assumpsit before any court of competent jurisdiction; and whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same may be recovered in one of the actions aforesaid in any court of competent jurisdiction. Such action shall be brought in the name of "The city of North Muskegon," and be commenced by summons. And all proceedings connected therewith shall, except as otherwise provided herein, conform with the proceedings under the laws of the State in actions of assumpsit. And upon rendition of judgment, execution shall issue thereon in like manner as in actions of assumpsit in this State.

Warrant for ar-  
rest for violation  
of ordinance.

SEC. 2. Prosecutions for violations of the ordinances of the city, in other cases, shall be commenced by a warrant for the arrest of the offender. Such warrant shall be in the name of "The people of the State of Michigan," and shall set forth the nature and substance of the offense complained of and be substantially of the form, and be issued upon a complaint made, as provided by law in criminal cases, cognizable by justices of the peace. And all the proceedings relating to the arrest, custody and trial of the accused and the attendance and testimony of witnesses and the rendition of judgment and execution thereon shall, except as otherwise provided by this act

Proceedings  
on trial.

be governed by, be and conform to the proceedings in this State in criminal cases cognizable by justices of the peace.

SEC. 3. If the accused shall be convicted, the court shall enter judgment thereon and inflict such punishment, either by fine or imprisonment or both, not exceeding the limit prescribed in the ordinance as the nature of the case may require, together with such costs of prosecution as the court shall order. Every such judgment shall be executed by a warrant of commitment specifying the particulars of the judgment, and shall issue forthwith, and may be executed by any sheriff, constable, chief of police or deputy.

Judgment on conviction.

SEC. 4. The city of North Muskegon shall be allowed the use of the county jail of Muskegon county for the confinement of persons liable for imprisonment under the ordinances thereof, or under any of the provisions of this act. And the sheriff or keeper of such county jail shall receive and safely keep any person committed thereto, as aforesaid, until lawfully discharged.

City to be allowed use of county jail.

SEC. 5. It shall not be necessary in any suit, proceeding or prosecution for the violation of any city ordinance to set forth such ordinance or any portion thereof in any complaint, warrant, process or pleading therein. And such ordinance shall be sufficiently stated by reciting its title and the date of its passage or approval. And it shall be a sufficient statement of the cause of action in any such complaint or warrant to set forth substantially with reasonable certainty as to the time and place, the nature of the offense complained of, and to allege the same as a violation of an ordinance of said city, referring thereto by its title and the date of its passage or approval.

Title of ordinance to be stated by prosecution.

SEC. 6. In all prosecutions for any violations of any ordinances of said city, either party may require a trial by jury; and such jury shall be selected in the same manner, and all proceedings in relation thereto shall be conducted after the same manner as in criminal cases in this State cognizable by the justice of the peace. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the said city is a party or interested, on account merely of such interest as he may have, in common with the other inhabitants of the city, in the result of the case. And any person convicted of violation of any ordinance of said city may remove the same into the circuit court for the county of Muskegon by appeal or writ of *certiorari*; and all proceedings thereon shall conform to the proceedings in similar cases in other criminal actions over which justices of the peace have jurisdiction.

Either party may require trial by jury.

Appeal to circuit court.

SEC. 7. All moneys collected for fines for violation of any ordinance shall be paid into the city treasury and accredited to the contingent fund. A justice of the peace receiving any such fines shall account for and pay the same over to the city treasurer each month; and any justice of the peace refusing or neglecting to pay over the same within one month after the receipt thereof shall be deemed guilty of a misdemeanor and be punished therefor, and he shall also be deemed a defaulter.

Fines to be paid into contingent fund.

Justice to render monthly accounts.

Penalty.

Process to be directed to chief of police.

SEC. 8. All process issued by any justice of the peace to enforce or carry into effect any ordinance of the city of North Muskegon shall be directed to the chief of police of the city of North Muskegon and may be executed by him or his deputy, or by any constable or sheriff of said county in any part of the State, and shall be returnable the same as any other similar process issued by justices of the peace.

Serving process against city.

SEC. 9. All processes issued against said city shall run against the city in the corporation name thereof and shall be served by leaving a tested copy of the same with the mayor or recorder.

## CHAPTER VIII.

### ASSESSMENT AND COLLECTION OF TAXES.

Assessor to make assessment roll.

SECTION 1. The assessor of said city shall in each and every year make and complete an assessment roll of the real and personal property in said city, and shall have his assessment roll all completed in proper form on or before the first day of June in each year, and in so doing, shall in all respects, except as otherwise provided in this act, conform to the provisions of law governing the acts of supervisors in the several townships of this State in the assessment of property and the levying of taxes. He shall deliver his assessment roll into the hands of the board of review on the first Monday in June in each year for the purpose of examination and adjustment by said board of review as provided by law.

To deliver roll to board of review.

Board of review.

SEC. 2. The assessor and mayor of said city and three electors, one of whom shall be from each ward and all of whom shall be taxpayers, to be nominated by the mayor, and confirmed by the council on the first Monday in May in each year, shall constitute a board of review of assessments for said city. The recorder shall give notice of the meeting of the board of review, stating the time and place, by either written or printed notices to be posted in three public places in each ward of said city at least five days prior to the first Monday in June in each year. No alderman of said city shall be a member of said board of review. The members of said board shall be paid such sum for their services as shall be determined by the common council and shall take the constitutional oath of office, and they shall organize on their first meeting by electing a chairman and secretary thereof from their number. It shall be the duty of said board to meet on the first Monday of June in each year in the common council room, and to remain in session six hours each day for at least three consecutive days. Said board of review shall have all the powers and perform all the duties required of a board of review in organized townships in this State. The judgment and decision of said board as to all matters submitted to it under the provisions of this act and under the general tax law of this State, shall be final and conclusive, and shall not be subject to review by any court.

Notice of meetings of board.

Aldermen not to be members. Compensation of members.

Meetings of board.

Powers of board.

SEC. 3. When the board shall have reviewed and corrected the assessment roll of said city, it shall be the duty of the assessor of said city to make two exact copies of said assessment roll, as reviewed, altered and corrected by said board of review, which said roll the said board of review shall adopt at a meeting thereof to be called by the chairman of said board. And it shall be the duty of the secretary of said board to attach his certificate to each of said assessment rolls showing that the same has been duly revised and corrected, and said rolls shall be and remain the assessment rolls of said city for the purpose mentioned in this act.

Assessors to make two copies of assessment roll.

To be certified by secretary of board.

SEC. 4. On or before the first day of July in each year the recorder of said city shall certify to the assessor the aggregate of all sums which the common council require to be raised by general taxation in said city for all city purposes; and for school, library and school house purposes; and at the same time he shall certify to the assessor, in addition to the aforesaid sums, all the amounts which the council require to be assessed or reassessed in any street, district, main or special sewer, or other special assessment district or upon any parcel of land, or against any particular person, as a special assessment, or otherwise within said city for any unpaid special assessment, or for any lien or charge created against any person or upon any parcel of land under any ordinance, order or resolution of the common council, together with a designation of the district and description of the lands or persons, upon or within which the several sums are to be assessed or reassessed.

Recorder to certify to assessor amounts to be raised.

SEC. 5. The assessor of said city during the month of July in each year shall levy in one of the assessment rolls so made as aforesaid, upon all of the taxable property of said city, except as hereinafter provided, the amount certified to him by the recorder of said city to be raised by taxation for city, school and library purposes, placing the city tax in one column, and the school, library, one mill and schoolhouse tax in another column, and shall also levy in the same roll upon the lands, property and persons chargeable therewith, all special assessments and sums reported to him by the recorder, as provided in the last preceding section, for assessment or reassessment in street districts, or for other special assessments, placing all such taxes in a column of special assessments. He shall also assess in said roll all special assessments for any [purpose] person returned to him as delinquent in any special assessment roll to be placed in a separate column to be entitled "delinquent special assessments," and the aggregate of taxes shall be placed in the last column of the roll. The several general funds mentioned in section three of chapter ten of this act shall be assessed in the aggregate under the head of "city taxes," and in a separate column so headed. All special assessments shall be assessed separately and in a column headed "special assessments." In all other respects, except as in this act otherwise provided, the assessment roll shall be made in accordance with the provisions of the general law of this State. The assessor, upon completing the said roll, shall

Assessor to levy amount certified by recorder.

Special assessments.

Assessments for general fund.

Assessor to certify to recorder amount levied.

City treasurer to collect assessment on warrant of assessor.

Warrant to be annexed to roll.

Treasurer to account for moneys collected.

Enforcement of payment of tax.

General powers of assessor.

Notice of tax roll to be published by city treasurer.

Office hours of city treasurer.

Collection of fees after October 1.

Interest on delinquent special assessments.

City treasurer to make statement of uncollected taxes.

certify to the city recorder the amount of taxes levied in his roll for city and school taxes, special assessments and other purposes, and the recorder shall charge the amount thereof to the city treasurer. On or before the first day of August following, the assessor shall deliver a certified copy of said assessment roll, with the taxes entered therein as aforesaid, to the city treasurer, with his warrant for the collection of taxes therein annexed thereto.

SEC. 6. The warrant annexed to such roll shall command the city treasurer to collect from the several persons named in the said roll, the several sums named in the last column thereof, opposite their respective names, and to pay over and account for all moneys collected and specified in the roll as in said warrant directed on or before the first day of November then next, and the warrant shall authorize the treasurer, in case any person shall neglect to pay his tax, to levy the same by distrain and sale of the goods and chattels of said person, and may authorize the treasurer to sue in assumpsit in the name of said city for said tax. The assessor shall have such powers and perform such duties not herein particularly enumerated as are conferred by the general tax law of the State upon supervisors.

SEC. 7. Upon receiving the tax roll as above provided, the city treasurer shall give notice immediately, publishing the same once in each week for two weeks in some newspaper published in said city if one; if none, then in some newspaper published in the city of Muskegon, to the taxpayers of the city, that such roll had been delivered to him and that the taxes levied therein may be paid to him at his office at any time before the first day of September following, without charge for collection; but that two per cent collection fees will be charged and collected upon all taxes remaining unpaid on the first day of September. It shall be the duty of the city treasurer to be at his office from nine o'clock in the forenoon to five o'clock in the afternoon on Fridays and Saturdays of each week between the first day of August and the first day of September, and on Friday at the same hours from the first day of September to the first day of October, in each year, for the collection of taxes, and it shall be his duty to state that he will be in his office, together with the location of his office, at such times, in the notice to be given to the taxpayers of the city, as hereinbefore provided. He shall collect for fees four per cent upon all taxes paid to him upon and after the first day of October on said roll, except as herein otherwise provided. Upon all delinquent special assessments, the treasurer shall collect interest at the rate of eight per cent per annum on the amount of the special assessment from and after said assessment was returned delinquent, in addition to the collection fee herein provided in such cases, and said interest and collection fee shall be a charge upon the property.

SEC. 8. If the city treasurer shall be unable to collect any of the taxes on such roll assessed on real property before the thirty-first day of October in each year, he shall make a state-

ment of the same, with a full and perfect description of such property, with the taxes upon each parcel thereof, which statement shall be verified by his affidavit that such taxes remain unpaid, and that he has not, upon diligent inquiry, been able to secure any goods or chattels liable to pay such sums, whereupon he could levy the same. And he shall also make a statement showing the taxes upon personal property remaining unpaid, and the names of the persons against whom they are assessed and the amount against each. Which statement he shall verify by his affidavit that the sums so mentioned as uncollected remain unpaid; and that he has not been able, after diligent inquiry, to discover any goods or chattels belonging to the person liable to pay such sums, whereupon he could levy the same. He shall also make a statement showing the amount of all moneys collected by him on account of taxes on said roll, which statement he shall verify by his affidavit.

SEC. 9. The statements made, as in the last preceding section provided, together with the said tax roll, shall be delivered by the treasurer to the assessor of said city, on or before the tenth day of November, and the said assessor shall give his receipt therefor to the city treasurer, and shall immediately compare such statement with the said tax roll, and if he finds the same correct, he shall add to each of them a certificate showing that he has examined and compared such statements with the said tax roll and found them correct, and shall file such statement in his office.

Statement to be delivered to assessor.

Assessor to certify statement.

SEC. 10. The assessor of said city, at the same time and in the manner provided by law for the levying of taxes in townships, shall levy in the second roll, provided for in section three of this chapter, and upon all of the taxable property of said city, the amounts necessary to be raised in said city for State and county taxes. The levy of such taxes shall be in accordance with the provisions of law governing the levying of such taxes in townships, except as herein otherwise provided. The assessor shall also add to such roll all amounts for delinquent city, school, schoolhouse, one mill, library and special city taxes, and delinquent special assessments in any roll returned to him by the city treasurer as hereinbefore provided. Such taxes shall be placed upon said roll in the proper columns in the manner specified in section five of this chapter. The assessor upon completing such roll shall certify to the city recorder the amount of taxes levied in his roll for State and county purposes, the amounts levied therein for city and school taxes, special assessments and other purposes, and the recorder shall charge the amount to the city treasurer. On or before the first Monday in December, the assessor shall deliver a certified copy of such assessment roll, with the taxes entered therein as aforesaid, to the city treasurer, with his warrant for the collection of the taxes therein, annexed thereto.

Assessor to levy State and county taxes.

To certify roll to recorder.

To deliver copy of roll to city treasurer.

SEC. 11. The warrant annexed to said roll shall state the several amounts levied therein to be paid into the State and county treasuries respectively, and shall command the city treasurer to collect from the several persons named in the said

Warrant to tax roll.

roll, the several sums named in the last column thereof, opposite their respective names, and to pay over and account for all moneys collected and specified in the roll, as in said warrant directed, on or before the first day of March then following, and the warrant shall authorize the treasurer, in case any person shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such person, or sue such person in assumpsit in the name of said city for amount of such [tax] and garnishee any debtor or debtors of such person.

Notice of tax roll to be published by city treasurer.

Office hours of city treasurer.

Fees to be charged by city treasurer.

Provisions respecting delinquent taxes.

City treasurer to give security for collection of tax.

Collection of tax.

SEC. 12. Upon receiving the tax roll aforesaid, the city treasurer shall give notice immediately to the taxpayers of said city, as provided in section six of this chapter, that such roll has been delivered to him and that the taxes therein levied may be paid to him at his office between nine o'clock in the forenoon and nine o'clock in the afternoon of each Friday, until the first day of February following, and shall state in said notice the location of his office. And said treasurer shall remain in his office for the purpose of collecting said taxes on each Friday from the time he receives said tax roll until the first day of February following, from nine o'clock in the forenoon to five o'clock in the afternoon. The following fees shall be charged and collected by the city treasurer upon all taxes levied in the said tax roll, viz.: State and county tax paid on or before December thirty-first, a collection fee of one per cent, and upon all other taxes on said roll paid on or before that date, a collection fee of four per cent; upon all State and county taxes remaining unpaid on the first day of January, a collection fee of four per cent shall be paid. All fees and interest collected by said treasurer shall be paid into the city treasury for the benefit of the contingent fund. The treasurer shall have such other powers and perform such other duties not herein particularly enumerated as are conferred upon township treasurers by the general tax law of this State.

SEC. 13. All the provisions of law respecting delinquent taxes levied in townships shall apply to all taxes, assessments, ordinary and extraordinary, all special assessments and all charges created, ordered or levied in the city of North Muskegon, to be returned as delinquent to the county treasurer. And to all such taxes returned as aforesaid, the city shall be considered and treated as a township, and all provisions of law for the sale of lands for the non-payment of taxes levied for State, county and township purposes, returned delinquent, shall [reply] apply to the return and sale of property for unpaid or delinquent taxes and assessments, both ordinary and extraordinary, and all charges created, ordered or levied in the city of North Muskegon, except as herein otherwise provided.

SEC. 14. The tax rolls with the warrants attached as above provided shall be delivered to the city treasurer in the manner above specified, provided security has been given by such city treasurer as is required by law or as provided for in this act. And if such security shall not have been given by the city treasurer in the manner and within the time required, the common council shall immediately appoint some suitable person



who shall give the required security to collect the taxes spread on such roll, and the person so appointed shall thereupon be entitled to receive said tax rolls, and shall collect and pay over such taxes, and may return all his doings thereon in the same manner, and shall have all the powers and perform all the duties, and be subject to the same liabilities as in this act conferred upon the city treasurer. The city treasurer, or person authorized to collect taxes as herein provided, may in his discretion proceed to collect the personal taxes spread upon said roll at any time after the delivery of said rolls to him.

SEC. 15. No general or special tax, or special assessment or charges created, ordered or assessed in said city, upon any property therein, shall be illegal or invalid for any matter or form not affecting the merits of the case, and which shall not injure or prejudice the rights of the person assessed; and all taxes and assessments, both ordinary and extraordinary, and all charges created, ordered, and assessed in said city shall be presumed to be legally assessed until the contrary is affirmatively shown. And no such presumption shall be rebutted, or any sale for taxes assessed in said city rendered invalid, by showing that any paper, certificate, return or affidavit required to be made and filed in any office is not to be found in the office where the same ought to be found or filed; but until the contrary is proved, the presumption shall be in all such cases that such paper, certificate, return or affidavit was regularly made and filed in the proper office according to law.

Tax not to be invalidated for matter of form.

SEC. 16. The common council shall have power to assess and collect from every male inhabitant in the city over the age of twenty-one and under the age of fifty years, except paupers, idiots and lunatics, and other persons who are by law exempt, an annual capitation or poll tax not exceeding one dollar, and the common council may provide by ordinance for the collection of the same.

Council may impose poll tax.

SEC. 17. The treasurer of said city may collect any tax on real estate, personal property, poll tax, special assessment or water rate, or any tax or assessment levied by such city against any person or corporation by suit in the name of said city against such person or any person liable to pay said tax, assessment or rate in assumpsit, in any court of competent jurisdiction, and may garnishee any debtor or debtors of such person, and the tax roll or book of water rates shall be *prima facie* evidence of the debt sought to be recovered, and there shall be no exemption from the execution issued on the judgment obtained.

Powers of treasurer in collection of taxes.

## CHAPTER IX.

### SPECIAL ASSESSMENT.

SECTION 1. The cost and expenses of the following improvements, including the necessary land therefor, viz.: For city hall and other public buildings and offices for the use of the

Improvements for which special assessments may be levied.

city, engine houses and structures for the fire department, for water works, market houses and spaces, cemeteries and parks, watch houses, city prisons and workhouses, public wharves and landings, lands appropriated for streets and rights of way, shall be paid from the proper general funds of the city, except that in case of lands appropriated for streets and right of way, the cost of which may be paid in all or in part from the avails of special assessments to be levied therefor in the manner herein prescribed, whenever, in the opinion of the common council, the benefits thereof are special, rather than general or public. The costs and expenses of any such local or public improvement may be defrayed in all or in part by the special assessment upon the lands fronting on and adjacent to, or in otherwise benefited by the improvements. Such assessment may be made in the manner hereinafter specified.

Board of assess-  
ors for special  
assessments.

SEC. 2. For the purpose of making any special assessment the common council may designate and appoint two of the aldermen of the city, who, together with the city assessor, shall constitute a board of assessors. Before entering upon the discharge of their duties they shall make and file with the city recorder an oath, faithfully and impartially to discharge their duties in making such assessments. The compensation of the aldermen while acting on such board of assessors, shall be fixed and paid by the common council.

Council to deter-  
mine part of  
special assess-  
ment to be de-  
frayed by city.

SEC. 3. Whenever the common council shall determine to make any necessary public improvements or repairs, and defray the whole or part of the expenses thereof by special assessment, it shall so declare by resolution stating the improvement, and what part or portion of the expenses thereof shall be paid by special assessment, and what part, if any, shall be paid from the general fund or from street district funds of the city, and it shall designate the district of the lands and premises upon which the special assessment shall be levied.

Council to cause  
estimates to be  
made of expense.

SEC. 4. Before ordering any public improvement or repairs, any part of the expense of which is to be defrayed by special assessment, the common council shall cause estimates of the expense thereof to be made, and also plats and diagrams when practicable of the work and of the location to be improved, and file with the recorder of said city for public examination; and they shall give notice of the proposed improvements or work, and of the district to be assessed therefor by written or printed notices thereof to be posted in three public places in said district stating the character of said proposed improvement and the district to be assessed therefor and the time when the council will meet to hear objections thereto, for at least two weeks before the time appointed by the common council to meet and consider objections; and the common council shall meet on the day appointed by it for said purpose.

Notice to be  
given.

When improve-  
ment not to be  
made.

If the owners of more than one-half of the value of the property to be assessed shall appear and object thereto, no such improvement shall be made unless the common council shall by a five-sixths vote of the aldermen elect order such improvements to be made. The cost and expense of any improvements

shall include the cost of surveys, plats, assessments and cost of construction. In no case shall the whole amount to be levied by a special assessment upon any lot or premises for any one improvement exceed ten per cent of the value of such lot or land as valued and assessed for general taxation in the last preceding assessment roll. Any cost exceeding that percentage which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the city. No special assessment to defray the estimated cost of any improvement shall be levied before [the] letting [of] the contract for the making of such improvement.

Limit of amount of levy for special assessment.

SEC. 5. Whenever the common council shall by resolution direct any special assessment to be made, they shall direct the same to be made by the persons named in section two of this chapter, and shall state therein the amount to be assessed and according to frontage or benefit, and describe and designate the lots and premises constituting the district to be assessed.

Council to direct assessment to be made.

SEC. 6. Upon receiving such order and direction, the assessors shall make an assessment roll, entering and designating therein all the lots, premises and parcels of land to be assessed, and the valuation thereof, and the names of the persons, if known, chargeable with the assessment thereof, and shall levy thereon and against such persons the amount to be assessed in the manner directed by the council and the provisions of this act, applicable to the assessment, and when such assessment roll is completed they shall report the same to the council.

Assessors to make assessment roll.

SEC. 7. If the assessment is required to be according to the frontage they shall assess to each lot or parcel of land such relative proportion of the whole amount to be levied as the then length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot an assessment for an additional number of feet would be more equitable. If the assessment is directed to be according to the benefits, they shall assess upon each lot such relative proportion of the whole sum to be levied as shall be proportioned to the estimated benefit resulting to such lot from the improvement.

Assessment according to frontage.

Assessments according to benefits.

SEC. 8. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land or premises, which by the provisions of this act the common council is authorized to charge and collect a special assessment against the same not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land in an assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or the person performing the labor or services, with the description of the lot or premises upon which or in respect to which the expense was incurred, and the name of the owner or person chargeable therewith, shall be reported to the common council in such manner as the common council shall prescribe.

Assessments on single lots.

Council to determine amount to be assessed against single lot.

SEC. 9. The common council shall determine what amount or part of any such expense shall be charged, and the person, if known, against whom and the premises upon which the same shall be levied as a special assessment; and as often as the common council shall deem it expedient, it shall require all of the several amount, so reported and determined, and the several lots or premises and the persons chargeable therewith respectively, to be reported by the recorder to any board of assessors appointed for that purpose for assessment, or the same may be reported to the city assessor for assessment in the next general assessment roll for said city.

Board of assessors to make special assessment roll.

SEC. 10. Upon receiving the report mentioned in the preceding section, the board of assessors, after appointment as aforesaid, shall make a special assessment roll and levy as a special assessment therein upon each lot or parcel of land so reported against the person chargeable therewith, if known, the whole amount or amounts of all charges so directed as aforesaid to be levied upon each of such lots or premises respectively; and when the same shall be completed said board shall report the same to the common council.

To report to council.

Assessment roll to be filed in office of recorder. Council to cause posting of notices.

SEC. 11. When any assessment roll shall be reported by the board of assessors the same shall be filed in the office of the recorder. Before adopting such assessment roll the common council shall cause written or printed notices to be posted in six public places in said city, at least two weeks before the day appointed for reviewing said roll, which notices shall state the filing of such assessment roll with the recorder, and appoint a time when the common council and board of assessors will meet to review the assessment. Any person objecting to such assessment may file his objection thereto in writing with the recorder.

Council and board of assessors to review assessment.

Council may order revision of assessment.

SEC. 12. At the time appointed for that purpose as aforesaid, the common council and board of assessors shall meet, and then or at some adjourned meeting review the assessment and consider any objection made thereto, and the common council shall correct the same, if necessary, and confirm it as reported or as corrected. Or it may refer the assessment back to the board of assessors for revision, or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous meeting when the special assessment roll shall be finally confirmed. The recorder shall endorse a certificate thereof upon the roll showing the date of confirmation.

Confirmation of assessment roll by council is final. Special assessments a lien on property.

SEC. 13. When any special assessment shall be confirmed by the common council, it shall be final and conclusive.

SEC. 14. All special assessments shall, from the date of confirmation, become a lien upon the respective lots or parcels of land assessed, and shall be a charge against the person assessed until paid.

Proceedings when special assessment proves insufficient.

SEC. 15. Should any special assessment prove insufficient to pay for the improvements or work for which it was levied, and the expenses incident thereto, the amount of such deficiency may be paid from the contingent fund in the city

treasury or the same may be reassessed upon the property of said district as the common council may direct. And in case a greater amount shall have been collected than was necessary, all excess shall be turned into the general contingent fund.

SEC. 16. Whenever any special assessment shall, in the opinion of the common council, be invalid, by reason of any irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge said assessment to be illegal, the common council shall, whether the improvement has been made or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such reassessment, and the collection thereof, shall be conducted in the same manner as provided for in the original assessment.

Proceedings  
when special  
assessment is  
invalid.

SEC. 17. No judgment or decree, nor any act of the common council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might have been lawfully assessed thereon.

Judgment not to  
destroy equi-  
table lien against  
property.

SEC. 18. Whenever any special assessment shall be confirmed and be payable, the common council may direct the recorder to report to the city assessor a description of such lots and premises as are contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and to require said city assessor to levy the several sums so assessed as a tax upon the several lots or premises to which they are assessed respectively. Upon receiving said report, the city assessor shall levy the sums therein mentioned on the lots and premises to which they are specially assessed and against the persons chargeable therewith as a tax in the general assessments, except as hereinafter otherwise ordered. Thereupon the amount so levied in said general assessment roll shall be collected and enforced with the other taxes in the general assessment roll, and in the same manner, and shall continue to be a lien upon the premises assessed until paid, and when collected shall be credited to the proper funds.

Proceedings  
when special  
assessment is  
confirmed and  
payable.

SEC. 19. When any special assessment shall be confirmed and be payable as hereinafter provided, the common council may require the assessments so to be reported to the city assessor, as provided in the last preceding section, to be spread by the assessor on a special assessment roll to be collected directly therefrom, and thereupon the mayor shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city treasurer to collect from each of the persons assessed in said roll the amount of money assessed and set opposite his name therein, and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress of goods and chattels of such person or sue such person in assumpsit in the name of said city as hereinbefore provided, and return the said roll and warrant, together with his doings

Special assess-  
ment may be  
collected from  
special roll.

Unpaid special assessment to be levied in next general roll.

thereon, in sixty days from the date of such warrant. In case any assessment shall remain unpaid after the time limited for the payment thereof, as in this section provided, or after the time for which the said warrant shall be renewed and extended, the amount thereof shall be levied in the next general assessment roll as delinquent special assessments and disposed of as other taxes in said roll.

City treasurer to collect.

SEC. 20. Upon receiving said assessment roll and warrant, the city treasurer shall proceed to collect the amounts assessed therein. And on all sums voluntarily paid at his office within thirty days from the time of the assessment roll coming into his hands for collection, no collection fee shall be added; and upon all sums paid upon the treasurer's personal application, or after the expiration of the said thirty days, he shall add four per cent, but in no case shall more than four per cent be charged as collection fees. To all amounts paid after the expiration of sixty days from the time the tax roll comes into his hands for collection, he shall add and collect interest at the rate of eight per cent per annum. Such collection fees and interest shall be additional charge upon the lots or premises assessed in said special assessment roll, and against the persons chargeable with such special assessment, and shall be paid into the city treasury and credited to the contingent fund of said city. If any person shall neglect or refuse to pay his assessment on demand, the city treasurer shall seize and levy upon the personal property within the city, or elsewhere within the county belonging to such person, to an amount sufficient to pay such assessment, fees, interest and charges for subsequent sale, and he may sell the property seized to an amount sufficient to pay the assessment and all charges, at public auction, on giving public notice of the time and place of such sale for at least six days previous to the sale by posting printed or written notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as shall be necessary for that purpose, shall be applied to the payment of the assessment, collection fees and interest and expenses of said seizure and sale, and the surplus, if any, shall be paid to the party entitled thereto, or the city treasurer may sue such person in assumpsit as hereinbefore provided.

Fees.

Fees and interest to be additional charge.

City treasurer may seize personal property to pay special assessment.

Warrant for collection of special assessment may be renewed.

SEC. 21. Said warrant may be renewed from time to time if the common council shall so direct, and for such time as it shall determine, and during the time of such renewal the warrant shall have the same force and the city treasurer shall perform the same duties and make like returns as above provided.

When city treasurer to return warrant and roll to assessor.

SEC. 22. Within ten days after the expiration of the time allowed for the collection of the taxes on said roll the city treasurer shall return said roll and warrant to the assessor, and if any of the assessments on said roll are returned delinquent or unpaid, he shall attach to his return a statement verified by affidavit containing a list of the persons delinquent, a description of the lot and premises upon which the assessments remain unpaid, and the amount unpaid on each, and that after diligent

search he has been unable to find any goods or chattels out of which he could make the same.

SEC. 23. At any time after the special assessment has become payable, the same may be collected by suit in the name of the city against the person assessed, in an action of assumpsit, in any court having jurisdiction over the amount. In every such action it shall be sufficient to declare for money paid. The special assessment roll and a certified copy of the order confirming the same shall be *prima facie* evidence of the regularity of all the proceedings in making the assessments and of the right of the city to recover a judgment therefor. When special assessment may be collected by suit.

SEC. 24. If in such action it shall appear that by reason of any irregularity or informality, the assessment has not been properly made against the defendant or the lot or premises sought to be charged, the court, nevertheless on satisfactory proof that the expense has been actually incurred by the city, which is a proper charge against the defendant or the property in question, render judgment for the amount properly chargeable against such defendant or upon such property. Judgment to be rendered to city for actual expenses when irregularity occurs.

## CHAPTER X.

### FINANCE AND TAXATION.

SECTION 1. The fiscal year of the city of North Muskegon shall begin on the first day of May in each year. Fiscal year.

SEC. 2. The common council shall have the right and power to raise annually by taxation within the city, such sums of money as may be necessary to defray the expenses and pay the debts of the city, and to execute the powers granted by this act. Power of council to levy taxes.

SEC. 3. The revenue raised by general taxation upon all property in the city, or by loan to be repaid by such taxation, shall be divided into the following general funds: Division of revenue into funds.

*First*, The contingent fund, to pay contingent and other expenses of the city for the payment of which no other fund is provided; Contingent fund.

*Second*, Sinking fund, to pay the bonded indebtedness of the city and the interest thereon; Sinking fund.

*Third*, Fire department fund, to defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus and supplies, and all other expenses necessary to maintain and operate a fire department in the said city; Fire department fund.

*Fourth*, Water fund, to purchase machinery and supplies, to maintain a water department and to provide for and pay the expense of running, operating and maintaining the water department of said city; Water fund.

*Fifth*, Highway fund, to defray expenses of repairing streets and alleys, and for grading, paving and improving the highways, streets and alleys of said city, and to defray the expense of constructing crosswalks in the several wards of this city, and Highway fund.

such other improvements on the public streets, walks and drives as the common council may deem necessary for the welfare of said city;

**Poor fund.** *Sixth*, Poor fund, to defray the expense of providing for and taking care of the poor of the said city;

**Police fund.** *Seventh*, Police fund, to maintain the police of the city and to defray the expense of arresting and punishing those violating the ordinances of the city;

**Other funds.** *Eighth*, Such general or special funds as the common council may from time to time constitute.

**Limit of amount council may raise by taxation.** SEC. 4. The total amount which the common council of said city may raise by general taxation upon the taxable real and personal property in the city of North Muskegon for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general sums hereinbefore mentioned are constituted, shall not exceed in any one year three per cent on the assessed value of all the real and personal property in the city made taxable by law as shown by the last preceding assessment roll. And when the common council shall make its estimate of moneys necessary to be raised by general tax, the first year after this act shall take effect and before any assessment roll under the provisions of this act shall have been made, the limit of its power shall be three per cent on the assessed value of all the taxable real and personal property in said city, as shown by the last assessment roll of the new city of North Muskegon.

**Limit of amount council may raise by special assessment.** SEC. 5. In addition to the above amounts, the common council may raise by special assessments in special assessment districts, for the purpose of grading and paving, curbing, graveling and otherwise improving the streets, and for constructing sewers, drains and sidewalks, and making other local improvements, chargeable upon the land and property in the district according to frontage or benefits, and for all other purposes for which the special assessment funds are constituted, such sums as it shall deem necessary, but not exceeding in any one year twenty-five per cent on the assessed value of the property in the last assessment roll of the city.

**Council to cause yearly estimates to be made.** SEC. 6. It shall be the duty of the common council to cause estimates to be made in the month of June in each year of all the expenditures which will be required to be made from the several funds of the city during the next fiscal year and for interest and debts to fall due, and for lands to be acquired, buildings to be erected and repaired, bridges to be built, and for the paving of streets, the construction of sewers and making other improvements, for the support of the police, water and fire departments and for every other purpose for which money will be required to be paid from any of the general funds during such fiscal year.

**Council to determine amount to be levied.** SEC. 7. The common council shall also in the same month determine upon the amount required to be raised in the next general tax levied to meet any deficiencies for the current year. Also the amount or part of any special assessments which it may require to be levied or reassessed in the next general



assessment roll of the city upon lands in any special assessment district, or upon any parcel of land or against any particular person as a special assessment.

SEC. 8. The common council shall also, in said month of June, pass a resolution to be termed the "annual appropriation bill," in which it shall make provision for and appropriate the several amounts required to defray the expenditures and liabilities of the city for the next fiscal year, payable from the several general funds and from the special assessment funds, and order the same, or as much of said amount as may be necessary, to be raised by tax, with the next general tax levied, or by loan, or both, and to be paid into the several general funds and special assessment funds of the city. The whole amount so ordered to be raised by tax shall not exceed the amount which the city is authorized by sections four and five of this chapter to raise by tax during the year. The common council shall specify in such resolution the objects and purposes for which such appropriation was made, and the amount appropriated for each object or purpose. It shall also designate in such appropriation bill the sum, if any, required to meet any deficiencies for the current year, and the amount or part of any special assessment which it may require to be levied or reassessed with the next general tax.

Annual appropriation bill.

SEC. 9. All sums ordered in the annual appropriation bill to be raised for the several funds, and all sums reported to the common council by the board of education to be raised for school, library and schoolhouse purposes, and all sums ordered in said bill to be levied as special assessments or to be reassessed, shall be certified to the assessor of said city as in this act provided on or before the first Monday in July, and all such sums shall be levied and collected in the manner provided for in this act.

Sums ordered in annual appropriation bill to be certified to assessor.

SEC. 10. All moneys raised by tax or loan for the purpose of any particular fund shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received, and to none other. And no fund shall be overdrawn, nor shall the moneys belonging to any fund be transferred to any other fund or be applied to any purpose other than that for which said fund is constituted, except where there shall be a surplus in any fund at the end of the year, in which case such sum in the discretion of the council may be transferred to any fund in which there is a deficiency, or be otherwise appropriated to such purposes as the common council may deem proper. But when there shall be, from any unforeseen cause, a deficiency in the police fund, fire department fund, highway fund or water fund, the common council may transfer such amount as in their judgment they deem proper from the contingent fund to supply the deficiency thus existing. All moneys not received or appropriated for any particular fund shall be credited to the contingent fund.

Funds to be kept separate.

No fund to be overdrawn.

Disposition of surplus at end of year.

Contract to be let to lowest bidder.

SEC. 11. No contract for the construction of any public building, sewer, pavement or for the improvement of any highway or any other public work whatever, or for any work to be done or for the purchase of any material or supplies for said city, if the amount involved in such contract shall exceed twenty-five dollars, shall be let or entered into, except to and with the lowest responsible bidder with adequate security, after a proper and reasonable notice thereof, in such manner as the common council shall provide.

Council may borrow money in anticipation of special assessment.

SEC. 12. The common council shall have authority to raise money by loan in anticipation of the receipt from special assessments, for the purpose of defraying the cost of improvements for which the assessment was levied.

Provision for raising money in excess of limit.

SEC. 13. Should any greater amount be required in any year for the purpose of erecting any public building or the purchase of grounds therefor, or for any other public improvement, to be paid for from the general funds of the city, than can be raised by the common council under the provisions of this act, such amount may be raised by a loan if authorized by a majority vote of all the electors of said city voting upon the question at an annual city election called for that purpose. But the amount that may be voted or raised in any year by loan under the provisions of this section shall not exceed ten per cent of the assessed valuation of the city property as shown by the last preceding assessment roll, as provided in section four of this chapter. For loans lawfully made, bonds or other obligations of the city may be issued bearing a legal rate of interest. A record showing the dates, numbers and amounts of all bonds or other obligations issued and when due, and the rate of interest thereon, and when said interest is due shall be kept by the recorder.

Council may re-issue bonds.

SEC. 14. Whenever the council shall deem it necessary or for the advantage of the best interests of the city, they shall have the power to extend the time of payment of the bonded or other indebtedness of the city by the issue of new bonds or obligations, to be issued in the place of former bonds or obligations falling due, in such manner as merely to change but not to increase the indebtedness of the city. Each bond or obligation shall show upon its face the class of indebtedness to which it belongs and the purpose for which the money was raised.

Each bond to show purpose for which raised.

Proposition to raise additional amount to be submitted to electors.

SEC. 15. The proposition to raise the additional amount provided for in section thirteen shall be submitted to a vote of the electors of said city by a resolution to be passed by the common council distinctly stating the purpose of the proposed expenditure and the amount proposed to be raised therefor. Such resolution shall be published in some newspaper printed and circulated in said city, if there be any such newspaper, for at least two weeks before the said election, and if there be no such newspaper, then a copy of said resolution, together with a notice of the time and place of such election, shall be posted in three public places in each ward of said city, at least two

weeks before the time appointed for such election. The vote at such election shall be by ballot.

SEC. 16. No money shall be drawn from the treasury except in pursuance of the authority of the common council, except as to moneys belonging to the public schools of the city of North Muskegon, and upon warrant signed by the recorder and countersigned by the mayor, or the acting mayor in cases provided for by this act, except orders drawn on the poor fund of said city as provided for in this act. Such warrant shall specify the fund for which it is payable and shall not be paid from any other fund. No warrant shall be drawn upon the treasury after the fund from which it should be paid is exhausted, nor when the warrants drawn upon said fund are sufficient to exhaust it.

No money to be drawn from treasury except on order of council.

SEC. 17. Immediately upon the close of the fiscal year the common council shall audit all accounts, as far as practicable, of all persons having claims against the city or accounts with it not previously audited. And it shall cause to be made out a statement in detail of the expenditures of the city during the preceding year, which statement shall show the receipts accredited to each fund, the amount collected by special assessment, and the amount of money borrowed and for what purpose. It shall also show the expenditures of the city on account of each of the funds thereof, the amounts expended for special improvements, for which special assessments were levied, and shall show the balance remaining to the credit of each fund of said city, as well as the gross amount of cash on hand.

Council to audit accounts and make out statement at close of fiscal year.

SEC. 18. Said statement, signed by the mayor and recorder, shall be filed in the office of the city recorder and be open to the inspection of all persons, and shall be published in all newspapers published and circulated in said city, in one issue thereof.

Statement to be filed in office of recorder.

SEC. 19. If any officer of the city, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever belonging to the city, to his own use, or shall, directly or indirectly, and knowingly appropriate or convert the same to any other purpose than the purpose for which the said moneys, securities, evidence of value, or property, may have been appropriated, raised or received, or to any other purpose not authorized by law, he shall be deemed guilty of malfeasance in office, and may be prosecuted therefor in the circuit court for the county of Muskegon in the same manner as defaulters are now prosecuted by the laws of this State, and on conviction may be punished by fine not to exceed one thousand dollars, or by imprisonment in the State prison for a period not exceeding two years, or both, in the discretion of the court.

Penalty for appropriating funds or securities of city.

## CHAPTER XI.

## MISCELLANEOUS.

City to succeed  
to all rights of  
the village.

SECTION 1. The city of North Muskegon shall succeed to all property, real, personal and mixed, and all rights of property in law or equity, all debts, fines, penalties and forfeitures and all causes of action of the village of North Muskegon, or which may hereafter accrue to it, and the same are hereby absolutely vested in said city, and all claims and causes of action, and all rights and equities of said village, be prosecuted for and recovered by said city to the same extent which they might by said village had not this act been passed. And said city of North Muskegon shall assume and be liable for all indebtedness, contracts and liabilities of said village of North Muskegon, and the present city of North Muskegon, and shall fulfill and discharge the same, and the collection thereof, and of all other demands against said village or city, may be enforced in any competent court against said city, and no suit or proceeding now pending shall abate by reason of the passage of this act, but the name of this corporation shall be substituted in said suits or proceedings in a place and stead of the name of said village or city, and said suit or proceeding shall then proceed in the corporate name of said city.

Ordinances of  
village to remain  
in force until re-  
pealed.

SEC. 2. All ordinances, by-laws, rules, regulations and resolutions of the common council of the village of North Muskegon, and of the city of North Muskegon, now in force and not inconsistent with this act shall remain in force until altered, amended or repealed by the common council under this act.

Plats to be ap-  
proved by coun-  
cil.

SEC. 3. No plats or lands within the corporate limits of said city, and adjoining platted portions thereof shall be effectual or entitled to be of record as provided by law until such plat or plats shall have been submitted to and approved by the common council and a certificate of such approval be endorsed thereon by the recorder of said city under the corporate seal thereof.

Proceedings of  
council at first  
meeting under  
this act.

SEC. 4. The common council of said city at its first meeting held after the first election to be held under this act shall cause the books and accounts of said city of North Muskegon to be examined and balanced in such manner as to show the exact condition of all the finances of the city and to show the exact amount of money on hand in each fund of said city and cause to be done whatever else may be necessary to show the exact condition of the affairs of said city.

Provisions for  
transfer of books  
and accounts to  
new city.

SEC. 5. The officers of said city shall transfer to the proper officers of said city all books, papers, vouchers and property of every kind in their respective offices belonging to said city and the treasurer of said city shall also turn over to the treasurer of said city all moneys in his hands or under his control belonging to said city. Upon the audit of his accounts by the common council and the payment of said moneys to the city

treasurer aforesaid his bondsmen shall be deemed to be released from any liability for any disposition made of said city moneys after that date. The common council shall make disposition of the said moneys so received from the city treasurer as aforesaid into the several general funds provided for by section three of chapter ten of this act.

SEC. 6. The terms of office of all officers of the city of North Muskegon at the time this act takes effect shall be held to continue as officers under this act until the term expires for which they were elected and until their successors are elected and qualified, unless sooner vacated. Old officers to hold over until term expires.

SEC. 7. It is hereby expressly provided that all such portion of the so called Allegan, Muskegon and Whitehall State road, as existed within the boundaries of the city of North Muskegon, immediately prior to the passage of this act, shall be and remain the charge of, and the responsibility for its condition remain with the city of North Muskegon until the said road is adopted as a county road by the county road commissioner of Muskegon county. Provisions as to care of State road.

SEC. 8. Act number three hundred and fifty-nine of the laws of one thousand eight hundred and eighty-one, entitled "An act to incorporate the village of North Muskegon," is hereby repealed, saving and reserving, however, the rights hereinbefore mentioned. Also act number two hundred and fifteen of the laws of one thousand eight hundred and ninety-one, entitled "An act to incorporate the city of North Muskegon, in Muskegon county, and to detach certain territory from Muskegon township in said county and attach the same to said city, and to repeal act number three hundred fifty-nine of the local acts of one thousand eight hundred and eighty-one, entitled "An act to incorporate the village of North Muskegon," is hereby repealed. Repealing clause.

This act is ordered to take immediate effect

Approved June 1, 1895.

[ No. 467. ]

**AN ACT** to authorize the city of Detroit to take private property for the use and benefit of the public.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Detroit is hereby authorized to take private property for the use and benefit of the public within the limitation of the State constitution, and to institute and prosecute proceedings for that purpose, and all such proceedings on the part of the city of Detroit shall be held and prosecuted under the provisions of this act, and no other. Authority to take private property for public use.

SEC. 2. Such proceedings may be commenced and prosecuted under this act, whenever the common council shall have

Corporation council to institute proceedings in the recorder's court to carry out the object of this resolution.

City clerk to make certified copy of resolution under seal and deliver to attorney.  
Duty of attorney.

On receiving petition clerk of court to issue summons, what to state.

declared a public improvement to be necessary in the municipality, and shall declare that they deem it necessary to take private property, describing it, for such public improvement, designating it, and that improvement is for the use or benefit of the public. They shall, by resolution, direct the city attorney or corporation council to institute the necessary proceedings in behalf of the municipality in the recorder's court of said city to carry out the object of the resolution in regard to taking private property by the city. Before the institution of such proceedings the common council shall, if it be their intention to assess any part of the damages awarded in such proceedings upon a special or local district, declare by resolution such purpose and fix such district, embracing only such real estate as in their opinion will be specially benefited by the improvement, and they shall describe such district with reasonable certainty by well known boundaries, so that all persons owning real estate in such district may readily ascertain the facts.

SEC. 3. The city clerk shall make and deliver to such attorney, as soon as may be, a copy of such resolution certified under seal, and it shall be the duty of such attorney to prepare and file in the name of the city, in the court having jurisdiction of the proceedings, a petition signed by him in his official character and duly verified by him; to which petition a certified copy of the resolution of the common council shall be annexed, which certified copy shall be *prima facie* evidence of the action taken by the common council, and of the passage of said resolutions. The petition shall state, among other things, that it is made and filed as commencement of judicial proceedings by the municipality in pursuance of this act to acquire the right to take private property for the use or benefit of the public, without consent of the owners, for a public improvement, designating it, for a just compensation to be made. A description of the property to be taken shall be given, and generally the nature and extent of the use thereof that will be required in making and maintaining the improvement shall be stated, and also the names of the owners and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the common council has declared such improvement to be necessary, and that they deem it necessary to take the private property described in that behalf for such improvement for the use or benefit of the public. The petition shall ask that a jury be summoned and empaneled to ascertain and determine whether it is necessary to make such public improvement, whether it is necessary to take such private property as it is proposed to take, for the use or benefit of the public, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or things, and may pray for any other or further relief to which the municipality may be entitled within the objects of this act.

SEC. 4. Upon receiving such petition, it shall be the duty of the clerk of said court to issue a summons against the respondents named in such petition, stating briefly the object

of said petition, and commanding them, in the name of the people of the State of Michigan, to appear before said court at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted. Such clerk shall also cause to be published in at least one newspaper published in the municipality, a conspicuous notice addressed to all owners of real estate within the assessment district (and which owners shall be designated in this act as the taxpayers), describing such district, and warning and notifying such owners of said proceedings pending in said court and stating the return day of such summons, and that such owners or taxpayers are at liberty to appear in said proceedings and defend. And all or any of such owners are hereby authorized to make themselves parties to such proceedings, by appearing in person or by attorney at any time before the trial herein provided for, and such as appear shall have all the right of parties respondent at all stages of the proceedings, including the right to move for a new trial and take appeals; but the rights of those who do not appear shall not be held abridged or impaired by such proceedings any further than would be the case if the right to appear did not exist.

Clerk to cause notice to be published in newspaper.

SEC. 5. Said summons shall be served by the sheriff, deputy sheriff, under sheriff of the county, or by any member of the metropolitan police of the city of Detroit, at least five days before the return day thereof upon all the respondents found within the county of Wayne, by exhibiting the original and delivering a copy to each of them. If any respondent who is a resident of the county cannot be found, the summons shall be served by leaving a copy thereof at his or her usual or last place of abode, with some person of suitable age and discretion. If any minor or person of unsound mind is interested in the premises to be taken, service may be made on the guardian of such person, if any, and if there is no guardian the court may appoint some discreet and proper person to be guardian of such person in such proceedings; any such guardian shall have authority to represent such person in said proceedings. The proceedings to appoint such guardian shall be the same as in their cases provided by statute. If it shall appear on the return day of the summons that any respondent cannot be found within the county and has not been served in the manner provided, or is a non-resident and has not voluntarily appeared, the court may make an order requiring such respondent or respondents to appear and show cause why the prayer of the petition should not be granted on a day to be named in the order not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served on such respondents wherever found, if practicable, at least six days before the time named in the order for appearance, or the court may make such order for appearance and require as to any or all such respondents who shall not have been personally served and have not appeared, that service be made by pub-

Summons, who to be served by.

If minor or person of unsound mind, how made.

Alias and pluries  
summons.

Return of officer  
upon summons  
and affidavit to  
be filed before  
jury shall be em-  
paneled.

Jury to be  
empaneled.

Sheriff or deputy  
to make list.

lishing a copy of such order for three successive weeks at least once in each week, in at least one newspaper published within the municipality, the last publication to be at least six days before the day fixed in the order for appearance. Alias and pluries summons may be issued and the court may adjourn the proceedings from time to time as there shall be occasion, and as in other civil cases. Service of such order for appearance in either mode prescribed shall be sufficient notice of the proceedings to bind the respondents and the property represented by them. The return of the officer upon the summons and an affidavit of the due service or the publication of the order for appearance, if any, shall be filed in the clerk's office before a jury shall be empaneled and be sufficient evidence of service on the respondents and of the manner of service. And such officer shall at least five days before the return day of the summons also post up in at least four conspicuous places within the assessment district, printed notices (which shall be supplied by the clerk of said court), to the owners or taxpayers, similar to that provided in section four above, and which notices shall be printed on sheets at least fifteen by twenty in size, and in large type. Copies of said notice shall be served personally by such officer upon at least three of such taxpayers, if to be found within the county, at least five days before the return day of the summons.

SEC. 6. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the court shall make an order that a jury be empaneled in the cause. Such jury shall be composed of twelve freeholders of the municipality and shall be elected and empaneled as follows: The sheriff, under sheriff or a deputy sheriff of the county shall, on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of said city, and the city attorney, or corporation council, in person, or by an assistant or deputy, and the respondents and taxpayers collectively, shall each have the right to strike six names from the list of persons written down as aforesaid, and subject to objection for cause and peremptory challenges. The twelve persons whose names are left on the list shall compose the jury for the trial of the cause and shall be summoned to attend at such time as the court shall direct, by a *venire* issued by the clerk of the court, and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list it shall be done by the judge of the court, and in case any of the persons to be summoned cannot be found in the county, or being summoned do not attend, or shall be excused for cause, or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such sheriff or sheriff's officer, or authorized person, and the practice and proceedings under this act, except as herein provided, relative to empanelling, summoning and excusing jurors and talesmen, and imposing penalties or fines upon them for non-attendance, shall be the same as the practice and proceedings of the circuit courts



of the State relative to petit jurors in civil cases in such courts. No person shall be qualified to act as juror under this act who shall have served as a juror in any court of record in said county within two years next preceding the time of empanelling such jury. The city on one side and the respondents and taxpayers on the other shall have the right to challenge peremptorily three persons called to serve as jurors in each such proceeding; in the discretion of the judge of said court the number of peremptory challenges may be increased to not exceeding six on each side.

Who shall not be qualified to act as juror.

SEC. 7. The jurors so empaneled shall be sworn or shall affirm in substance as follows: "You do solemnly swear (or affirm) that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement and for taking for the use or benefit of the public the private property which the petition describes and prays may be taken, and if you shall determine that it is necessary to make such improvement and to take said property, that then you ascertain, determine and award the just compensation to be made therefor, and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court a true verdict give according to law and the evidence, so help you God (or under the pains and penalties of perjury)." The jury shall hear the proofs and allegations of the parties, and if so ordered by the court shall go to the place of the intended improvement, in the charge of an officer, and upon or as near as practicable to any property proposed to be taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the judge of the court, and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and shall be signed by the foreman or by all the jurors.

Oath for jurors.

SEC. 8. The jury shall determine in their verdict the necessity for the proposed improvement and for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists they shall award to the owners of such property and others interested therein such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

What to determine in their verdict.

SEC. 9. To assist the jury in arriving at their verdict the court may allow the jury, when they retire, to take with them the petition filed in the case and a map showing the location of the proposed improvement and of each and all the parcels of property to be taken, and may also submit to them a blank verdict which may be as follows:

Court may allow jury when they retire to take the petition filed in the case, etc.

PART I.

**Form of finding.** We find that it is ..... necessary to take the private property described in the petition in this cause, for the use and (or) benefit of the public, for the proposed public improvement.

PART II.

**Award.** The just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Description of each of the several parcels of private property to be taken.	Owners, occupants and others interested in each parcel.	Compensation.	To whom payable.
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

**What jury shall determine.**

**Proviso.**

The different descriptions of the property and the names of the occupants, owners and others interested therein, may be inserted in said blank verdict, under the direction of the court, before it is submitted to the jury, or it may be done by the jury. The jury shall also determine in their verdict what amount, if any, shall be assessed upon the property in the assessment district: *Provided*, That such property in said assessment district shall in no case be assessed for less than one-half of the total amount so awarded as compensation. Said amount shall be stated in said verdict at a certain gross sum, which sum shall be assessed upon the property in the assessment district as hereinafter provided. That in the case of opening and widening alleys all damages for the taking of property for such opening or widening shall be assessed upon the property directly abutting the alley, or such portion thereof as is ordered to be opened or widened; and no person dedicating, or who has already dedicated to public uses the portion of any alley fully and directly abutting his property, shall be included in the assessment district.

**Verdict may be set aside and new trial ordered.**

SEC. 10. The verdict of the jury may be set aside by the court and a new trial ordered as in civil suits at law in the circuit courts of this State. Amendments either in form or substance may be allowed in any paper, petition, process, record or proceeding, or in the description of property proposed to be taken, or the name of any person, whether contained in a resolution passed by the common council or otherwise, whenever the amendment will not interfere with the substantial rights of

the parties. Any such amendment may be made after as well as before judgment confirming the verdict of the jury.

SEC. 11. Motions for a new trial or to arrest the proceedings shall be made within two days after the rendition of the verdict, unless further time is allowed by the court; and if no such motion is made, or being made is overruled, the court shall enter an order or judgment confirming the verdict of the jury; and such judgment of confirmation, unless reversed by the supreme court, shall be final and conclusive as to all persons interested therein.

Motion for new trial or to arrest proceedings.

SEC. 12. Any person whose property may be taken (and any such taxpayer, party to the proceedings under this act), considering himself aggrieved, may appeal from the judgment of the court confirming the verdict of the jury by filing in writing with the clerk of said court a notice of such appeal within five days after the confirmation, and within the same time serving a copy thereof on the city attorney and filing a bond in said court, to be approved by the judge thereof, conditioned for the prosecution of said appeal to judgment and the payment of all costs, damages and expenses that may be awarded against him, in case the judgment of confirmation shall be affirmed. Such appeal shall be perfected within the same time and prosecuted as an appeal in chancery, as near as may be, subject to the provisions of this act.

Any person whose property may be taken, or party considering himself aggrieved, may appeal from verdict.

SEC. 13. In case of such an appeal the clerk of the court, on payment of his legal fee and charges, shall transmit to the supreme court a certified copy of the necessary files, records and proceedings in the case; and the judge of the court shall, at the request of the appellant, settle a case according to the usual practice of said court, showing the material evidence and instructions given to the jury bearing upon any disputed points to which exception was taken, and the objections, rulings and exceptions in the case, all of which shall be returned by said clerk as part of the records, to the clerk of the supreme court.

In case of appeal clerk, on payment of fees, shall transmit to supreme court, files, etc.

SEC. 14. The said appeal may be brought on for hearing at any term of the supreme court, and said court may affirm, or for any substantial error reverse the judgment, and may grant a new trial. The said court shall allow the prevailing party his reasonable costs and expenses to be taxed, and give judgment as in other chancery appeals, and all costs, damages and expenses awarded to the city, if it so elect, may be applied on or deducted from the compensation, if any, to be paid, or execution may issue on the judgment. Damages may be awarded against a party appealing without reasonable cause.

Appeal may be brought on for hearing at any term of court.

SEC. 15. When [the] verdict of the jury shall have been finally confirmed by the court, and the time in which to take an appeal has expired, or, if an appeal is taken, on the filing in the court below of a certified copy of the order of the supreme court, affirming the judgment of confirmation, it shall be the duty of the clerk of the court to transmit to the common council a certified copy of the verdict of the jury, and of the judgment of confirmation, and of the judgment, if any, of

Duty of clerk when verdict is confirmed.

affirmance; and thereupon, the proper and necessary proceedings, in due course, shall be taken for the collection of the sum or sums awarded by the jury. The common council shall by resolution direct that the amount fixed and determined by the jury to be the amount to be assessed upon the property in the assessment district shall be assessed upon the owners or occupants of such taxable real estate, in proportion as nearly as may be to the advantage which such lot, parcel or subdivision is deemed to acquire by the improvement. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, as is provided in the charter of the municipality for assessing, levying and collecting the expense of a public improvement when a street is graded. The assessment roll containing said assessments, when ratified and confirmed by the common council, shall be final and conclusive, and *prima facie* evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same is made, until payment thereof. Whatever amount or portion of such awarded compensation shall not be raised in the manner herein provided, shall be assessed, levied and collected upon the taxable real estate of the municipality, the same as other general taxes are assessed and collected in such city. At any sale which takes place of the assessed premises, or any portion thereof, delinquent for non-payment of the amount assessed and levied thereon, the city may become a purchaser at the sale.

Council shall direct amount fixed by jury to be the amount to be assessed.

Assessment, how collected.

Assessment roll, when confirmed to be conclusive.

When council shall provide and pay for property taken.

SEC. 16. Within one year after the confirmation of the verdict of the jury, or after the judgment of confirmation shall on appeal be confirmed, the common council shall set apart and cause to be provided in the treasury, unless already provided, the amount required to make compensation to the owners and persons interested for the private property taken as awarded by the jury, and shall, in the resolution setting apart and providing said sum, if not already provided, direct the city treasurer to pay to the persons respectively entitled to the money so set apart and provided, to each his or her proportion, as ascertained and awarded by said verdict. And it shall be the duty of the treasurer to securely hold such money in the treasury for the purpose of paying for the property taken, and pay the same to the persons entitled thereto, according to the verdict of the jury, on demand, and not pay out the money for any other purpose whatever. The common council may provide the necessary amount by borrowing from any other money or fund in the treasury, and repay the same from money raised to pay the compensation awarded by the jury when collected, or otherwise, as they may provide. Whenever the necessary sum is actually in the treasury for such purpose, the treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded by the jury is actually in the treasury for payment of the private property taken in the case, giving the title of the case;

he shall cause one of the certificates to be filed in the office of the clerk of the court in which the proceedings were had, and the other to be filed with the city clerk or county clerk, which certificates shall be *prima facie* evidence of the matters therein stated. Whenever the amount of the compensation is in the treasury, and thus secured to be paid, the common council may enter upon and take possession of and use such private property for the purposes for which it was taken, and may remove all buildings, fences and other obstructions therefrom. In case of resistance or refusal on the part of any one to the common council or their agents and servants entering upon and taking possession of such private property for the use and purpose for which it was taken, at any time after the amount of the compensation aforesaid is actually in the treasury, ready to be paid to those entitled thereto, the common council, by the city attorney, may apply to the court, and shall be entitled, on making a sufficient showing, to a writ of assistance to put them in possession of the property.

SEC. 17. Officers, jurors and witnesses in any proceedings under this act shall be entitled to receive from the city the same fees and compensation as are provided by law for similar services in an ordinary action at law in the circuit courts of this State.

Fees of officers, jurors and witnesses.

SEC. 18. All the expenses and costs of the proceedings to take and use private property under this act, incurred by the municipality or county, shall be paid out of the general fund, contingent fund or a fund provided for such purposes, as the case may be; and it shall be lawful for the judge in any case to order the payment by the city to any respondent or taxpayer of such a reasonable attorney fee as he may deem just, not exceeding twenty-five dollars, which may be taxed with the costs.

Expenses and cost, from what fund paid.

SEC. 19. The common council shall not have power to discontinue proceedings under this act after the rendition of the verdict of the jury, but they may direct the city attorney to move for a new trial, or to arrest the proceedings, or to take an appeal to the supreme court, and in any such case the same proceedings shall be taken as are hereinbefore prescribed in the case of like proceedings on the part of any respondent, except that no bond shall be required, nor shall the municipality be required to pay the clerk of the recorder's court fees.

Council shall not have power to discontinue proceedings.

SEC. 20. It shall be *prima facie* evidence as to who are owners of and persons interested in any property proposed to be taken in the proceedings instituted under this act, if the register or deputy register of deeds of the county shall testify in open court that he has examined the records and titles in his office, and states who such records show are the owners of and persons interested in such property, and the nature and extent of such ownership and interest; and an abstract of the title of such property, or of any parcel or parcels thereof, certified by the register or deputy register of deeds, shall also be *prima facie* evidence as to ownership, and persons having an

*Prima facie* evidence as to ownership.

interest in any such property, and the extent and nature of such interest.

In case there is a building on the property taken, the same shall be sold.

SEC. 21. In case there is on the private property taken a building or other structure, the same shall be sold by or under the direction of the common council, board of trustees, or board of supervisors; the amount produced by the sale shall belong and be paid to the fund for paying the compensation awarded for the property taken, and the common council, board of trustees, or board of supervisors shall cause the proper proportion of such amount to be credited and applied in reduction *pro rata* of the assessment and apportionment on the assessment district.

All acts or parts of acts in conflict are repealed.

SEC. 22. All acts and parts of acts in conflict herewith are hereby repealed.

Approved June 4, 1895.

[ No. 468. ]

AN ACT to amend and revise chapters one and two of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three.

Act revised and amended.

SECTION 1. *The People of the State of Michigan enact.* That chapters one and two of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred eighty-three, be and the same are hereby revised and amended so as to read as follows:

## CHAPTER I.

Body politic and corporate.

SECTION 1. *The People of the State of Michigan enact.* That the inhabitants of the city of Detroit shall continue to be one body politic and corporate, under the name and style of the city of Detroit; and as such shall have, exercise and enjoy such powers of a local, legislative and administrative character as are conferred by this act, or by the general laws of the State of Michigan, and shall also exercise and enjoy such implied and incidental powers and rights as are of right possessed by municipal corporations in this State.

Powers and rights.

Department of government.

SEC. 2. The powers of local government possessed by said city are divided into two departments, the legislative and administrative. No person or body belonging to one department shall exercise powers properly belonging to the other, except in cases expressly provided in this act.

Territorial limits.

SEC. 3. The territorial limits of said city of Detroit shall include all that tract of country in the county of Wayne, bounded and described as follows: Beginning at the intersec-

tion of the national boundary line in the Detroit river with the easterly line of private claim number two hundred and fifty-seven extended, running thence northerly along the easterly line of said private claim number two hundred and fifty-seven and along the easterly line of the back concession to said private claim number two hundred and fifty-seven to the center of the Butler road, so called; thence westerly along the rear lines of private claims to the center of St. Charles avenue; thence northwesterly along the center of St. Charles avenue to the center of Strong avenue; thence along the center of Strong avenue, westerly and northwesterly, to the intersection of the center line of Mt. Elliot avenue extended; thence westerly along a line parallel with the northerly line of the boulevard to the easterly line of St. Aubin avenue; thence northerly along said easterly line of St. Aubin avenue, and St. Aubin avenue extended, to a point in fractional section thirty-nine, town one south, of range twelve east, said point being two hundred and thirty-three feet northerly of the southerly line of said quarter section thirty-nine; thence westerly on a line parallel with the southerly line of said quarter section thirty-nine, and being two hundred and thirty-three feet northerly of the southerly line of said quarter section thirty-nine, to a point two hundred and thirty-three feet easterly of the center line of Oakland avenue, so called; thence northerly on a line parallel with said center line of Oakland avenue and Oakland avenue extended, and two hundred and thirty-three feet easterly thereof, to a point indicated by and intersecting the easterly and westerly center line of quarter section twenty-three of the ten thousand acre tract in Hamtramck township; thence westerly from said last mentioned point along the center line of quarter sections twenty-three and twenty-four of the ten thousand acre tract in Hamtramck township, across Woodward avenue, so called, and along the center line of quarter sections twenty-five and twenty-six of the ten thousand acre tract in Greenfield township, to a point two hundred and fifty feet westerly of the center line of Crawford street, so called, extended; thence southerly on a line parallel with the center line of Crawford street extended and two hundred and fifty feet westerly thereof, to a point in quarter section thirty-five of said ten thousand acre tract, two hundred and thirty-three feet northerly of the center line of the Williams road, so called; thence westerly on a line parallel with the center line of the said Williams road, and two hundred and thirty-three feet northerly thereof, to the easterly line of Twelfth street; thence southerly along the easterly line of Twelfth street to a point two hundred and twenty-four and three-fourths feet northerly of the northerly line of the boulevard; thence westerly on a line parallel with and two hundred and twenty-four and three-fourths feet northerly of the northerly line of the boulevard, to a point in section fifty-two of the ten thousand acre tract, said point being two hundred feet west of the west line of the boulevard in section two, town two south, range eleven east extended north; thence south on a line two hundred feet west of and parallel

with the west line of said boulevard to the northerly line of the private claims; thence westerly on the rear of the northerly line of the private claims to the westerly line of back concession, private claim thirty; thence westerly in a direct course to the easterly line of private claim two hundred and sixty-six; thence southerly along the easterly line of private claim two hundred and sixty-six to the southerly line of Toledo avenue; thence westerly along the southerly line of Toledo avenue to the westerly line of Livernois avenue; thence southerly along the westerly line of said Livernois avenue to the northerly line of the Dix road; thence westerly on said northerly line of said Dix road to the westerly line of Artillery avenue extended; thence southerly along said westerly line of Artillery avenue extended to the national boundary line in the Detroit river, and thence along the national boundary line in the Detroit river up stream to the place of beginning; and also all that parcel of land situated in the Detroit river and known as Belle Isle.

Division into  
wards.

SEC. 4. The said city is hereby divided into the following wards:

First ward.

*First*, The first ward shall consist of all that part of the city lying between the center lines of Woodward avenue and Beaubien streets, and the said lines extended northerly and southerly to the city limits;

Second ward.

*Second*, The second ward shall consist of all that part of said city bounded on the east by the center line of Woodward avenue, and on the west by the center line of First street, from the Detroit river to the center line of Grand River avenue, up Grand River avenue to the center line of Second street, and along the center line of Second street, and the said lines extending northerly and southerly to the city limits;

Third ward

*Third*, The third ward shall consist of all that part of said city lying between the center lines of Beaubien street and Hastings street, and the said lines extending northerly and southerly to the city limits;

Fourth ward.

*Fourth*, The fourth ward shall consist of all that part of said city lying between the west boundary line of the second ward above described and the center line of Crawford street, from the northerly city limits to the center of Grand River avenue; down the center line of Grand River avenue to the center line of Fifth street, and down the center line of Fifth street, and the said lines extended northerly and southerly to the city limits;

Fifth ward.

*Fifth*, The fifth ward shall consist of all that part of said city lying between the center lines of Hastings street and Russell street, and the said lines extended northerly and southerly to the city limits;

Sixth ward.

*Sixth*, The sixth ward shall consist of all that part of said city lying between the west boundary line of the fourth ward, above described, and the center line of Trumbull avenue, and the said lines extending northerly and southerly to the city limits;



*Seventh,* The seventh ward shall consist of all that part of said city lying between the center lines of Russell street and Dequindre street, and the said lines extended northerly and southerly to the city limits; Seventh ward.

*Eighth,* The eighth ward shall consist of all that part of said city lying between the east line of Godfroy farm and the center line of Trumbull avenue, and the said lines extended northerly and southerly to the city limits; Eighth ward.

*Ninth,* The ninth ward shall consist of all that part of said city lying between the center lines of Dequindre and Chene streets, and the said lines extended northerly and southerly to the city limits; Ninth ward.

*Tenth,* The tenth ward shall consist of all that part of said city lying between the west line of the Loranger farm and the east line of the Godfroy farm, and the said lines extended northerly and southerly to the city limits; Tenth ward.

*Eleventh,* The eleventh ward shall consist of all that part of said city lying between the center lines of Chene street and McDougall avenue, and the said lines extended northerly and southerly to the city limits; Eleventh ward.

*Twelfth,* The twelfth ward shall consist of all that part of said city lying between the west line of the Loranger farm and the westerly line of the Porter farm, and the said lines extended northerly and southerly to the city limits; Twelfth ward.

*Thirteenth,* The thirteenth ward shall consist of all that part of said city lying between the center line of McDougall avenue and the center line of Mt. Elliott avenue, and the said lines extended northerly and southerly to the city limits; Thirteenth ward.

*Fourteenth,* The fourteenth ward shall consist of all that part of said city lying between the westerly line of the Porter farm and the westerly line of private claim forty-seven, and the said lines extended northerly and southerly to the city limits; Fourteenth ward.

*Fifteenth,* The fifteenth ward shall consist of all that part of said city lying east of the center line of Mt. Elliott avenue, and the said line extended northerly and southerly to the city limits; and the parcel of land situate in the Detroit river known as Belle Isle; Fifteenth ward.

*Sixteenth,* The sixteenth ward shall consist of all that part of said city lying west of the westerly line of private claim forty-seven and the said line extended northerly and southerly to the city limits. Sixteenth ward.

## CHAPTER II.

### REGISTRATION AND ELECTIONS.

**SECTION 1.** The annual city election shall be held on the first Tuesday after the first Monday in November in each year, and in the years in which a general election is held the city election shall be held and conducted in connection with such general election and by the same officers. A city election for the election of such officers as are required to be elected at that time shall be held on the first Monday of April, eighteen

Election districts.	<p>hundred and ninety-seven, and every two years thereafter in connection with the State judicial election held on the same day. The election districts in the several wards of the city of Detroit as now established shall remain until they shall be changed as provided by this act. It shall be the duty of the common council when any election district shall contain over six hundred electors, to divide such voting district into two or more election districts, as provided by the general election law of this State. When a district shall be divided, the common council shall assign the several registrars and inspectors who were elected at the last preceding election in such district, to the new districts in which they respectively reside, and to appoint a sufficient number of qualified electors of such new districts, who, with the persons so assigned and a chairman to be designated by the common council, shall constitute the registrars and inspectors of election of such new district. Election districts shall be bounded by ward lines, by streets or alleys, or other well known and established boundary line. Notice of a general reregistration of electors in all new districts will be embodied in the notice of registration required by this act, to be published by the city clerk; and such registration shall be made in the same manner as is provided herein for the new registration directed to be made every fourth year, excepting that the sessions of the board other than in such fourth year shall be held on the same days as the other boards are held in intermediate years as herein provided.</p>
When divided.	<p>SEC. 2. There shall be elected by ballot at the next annual November election in the city of Detroit, and at the November election in each year thereafter in each of the several election districts, three qualified electors of the district, who shall constitute a "board of registration of electors." They shall qualify by taking the constitutional oath of office, to be filed with the city clerk, and shall hold office for one year from the first day of January next following their election and until their successors are elected and qualified, and if from death, failure to qualify, removal from the district or other cause, a vacancy in such office shall occur, or the person elected be unable to perform the duties of the office, the common council may appoint a suitable person to perform such duties for the remainder of the term or until the disability be removed. At the election of such persons, no elector shall vote for more than two candidates, and from the whole number of votes cast the three persons receiving the highest number of votes cast for such office shall be declared elected. The person receiving the highest number of votes shall be the chairman of the district boards of registration and inspectors of election as herein constituted. Tie votes shall be determined in the like manner as cases of an equal number of votes cast for the other city officers. The registrars shall be persons who can read and write the English language intelligibly.</p>
Notice of re-registration.	<p>SEC. 3. Any vacancy occurring in the chairmanship of any district board of registration by death or removal from such district, may be filled by the common council. In the year</p>
Board of registration of electors to be elected.	
To take oath of office.	
Who to be chairman.	
Vacancies, how filled.	

eighteen hundred and ninety-six, and every fourth year thereafter, there shall be a new general registration of all the electors in the several election districts, and for that purpose the several district boards of registration shall meet at the places designated in the notice published by the city clerk as hereinafter provided, on the fourth Monday, and on the third Tuesday and Wednesday preceding the general election in November of said years, and in each fourth year thereafter, and shall continue in session on each of said days between the hours of eight o'clock, local time, in the forenoon, and nine o'clock, local time, in the evening, on each day, without adjourning. Such general reregistration shall be made in the "register of electors" for such districts, and shall be of the names of all persons at the time residing in such districts and qualified as electors in said districts, according to the provisions of the constitution and as hereinafter provided. Their sessions shall be public. The board at every session shall have power, and it shall be their duty, to question every person presenting himself for registration, touching his residence and other qualifications, as an elector of the district, and such other matters as are required to be entered in said register, and it shall be the duty of the applicant to make truthful answers to all such questions, and the board may employ an interpreter, if they deem it necessary, who shall be sworn truly and impartially to interpret all such questions and answers, and it shall be the duty of said board, on the demand of any of them or of any elector who shall be present, to administer to all persons who shall personally apply to register, the following oath or affirmation: "You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you, touching your place of residence, name, place of birth, your qualifications as an elector and your right as such to register and vote under the laws of this State." Either of said registrars may administer the oath to the applicant and the oath to the interpreter, if one be employed.

New general registration.

Meetings of district boards of registration.

Duration of sessions of board.

Power and duty of board.

SEC. 4. Every male person who is or at the next election in said city of Detroit will be entitled to vote therein, on personal application in the election district where he lawfully resides, and complying with the requirements herein, may be registered as an elector therein, but not otherwise. And it shall be the duty of every elector resident in said city to see that his name has been so registered and no person shall be deemed or held to have acquired a legal residence in any ward or election district for the purpose of voting therein at any election therein, unless he shall have caused himself to be registered as an elector in said district, in the manner and at the time hereinafter prescribed, and no person shall be registered as an elector of said city at any other time or place than those which are in this act designated; nor shall any ballot be received by the inspectors at any election on any pretense whatever unless the name of the person offering such ballot shall have been entered in the register of the district in which he claims to vote as herein provided.

Who may be registered.

When deemed to have acquired a legal residence.

No ballot to be received unless person offering it shall have been registered.

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Who may be registered.

When deemed to have acquired a legal residence.

No ballot to be received unless person offering it shall have been registered.

City clerk to  
provide book  
for registra-  
tion.

SEC. 5. On or before the first day of October in each year, when the general registration of electors is required to be made, the city clerk shall procure and have in readiness a book for each and every election district in said city for the registration of electors therein, and it shall be styled as "The Register of Electors" for such district. Each register shall be made of good and suitable paper and substantially bound, and shall contain space and ruled lines for at least twelve hundred names, and be arranged and ruled in parallel columns with printed headings, in the following order: Number (consecutively); full name; residence; age; term of residence in State and ward; nativity; naturalized; declared intention prior to May fourth, eighteen hundred and ninety-two; date of registration; sworn; remarks; and the ruling and headings on each page of the register shall be according to the following diagram, enlarged:



Procedure in  
registration.

SEC. 6. The district board of registration having<sup>7</sup> openly and publicly met at the time and place herein appointed, shall proceed as follows: They shall examine each applicant as to his residence and qualifications as an elector, and if it shall be determined by the board that he is a qualified elector in such district, then he shall be registered in the register, and the proper entries made in the respective columns, and if any elector present so demands, shall enter the word "challenge" in the column for remarks.

What names  
may be regis-  
tered.

SEC. 7. Only the names of such male persons as are of the age of twenty-one years residing in such district shall be entered on said register, but every applicant who would be twenty-one years of age on the date of the next election, if otherwise qualified, may be so entered. Every applicant who has commenced to reside in such ward and who has resided therein a sufficient number of days with those that may intervene between the date of application and next election, to make twenty days, may be entered in said register if he be then actually a resident of such district and otherwise qualified, but in such case they shall enter in the column of "remarks," the word "challenge," and unless on the day of election he shall have resided for full twenty days in such ward and is then a resident of such district, such applicant cannot vote therein, although otherwise qualified.

Register to be  
ruled, names to  
be written on  
lines, to be en-  
tered consec-  
utively.

SEC. 8. The register shall be ruled and one name shall be written on each line, but no name shall be written between lines. In entering the number of the applicant, the numbers shall be filled up consecutively, leaving no blank, and in name they shall include his christian name, in full, as well as his surname. The names shall be entered consecutively in the order in which the applicants apply to be registered. The other entires shall be as follows:

What to enter in  
column headed  
residence.

(1) In the column headed "residence," the name of the street, avenue and number of the dwelling, if there be a definite number, and if there shall not be a number or name, such clear and definite description of such place and dwelling as shall enable it to be readily ascertained. If there shall be more than one house at the number given by the applicant as his place of residence, state in which house he resides, and if there be more than one family residing in said house he must state either the floor on which he resides or the number or location of the room or rooms occupied by him, whether front or rear. Every floor below the level of the street or ground being designated as a basement, the first floor above such level being designated as the first floor.

Names.

(2) In the column headed "names," enter the name of the applicant, writing the surname first and the given or christian name after.

Nativity.

(3) In the column headed "nativity," the State, kingdom, empire or dominion where the applicant was born.

Term of resi-  
dence.

(4) In the columns headed "term of residence," and their subdivisions, the periods by day, month or year stated by the applicant for which he has resided in the State and ward.



(5) In the column headed "naturalized," the word "yes" Naturalized.  
if the applicant be a naturalized citizen.

(6) If the applicant be not a native born citizen and is not Declared in-  
a naturalized citizen, but has declared his intentions to become tention.  
a citizen two years and six months or more before the eighth  
day of November, eighteen hundred and ninety-four, in the  
column headed "declared intention," enter "yes."

(7) It shall not be necessary to enter under the headings of Idem.  
naturalized or declared intention, any entry as to any elector  
excepting only such persons as have become entitled to vote  
by reason of naturalization, or a declaration of intention, made  
two years and six months or more before the eighth day of  
November, eighteen hundred and ninety-four.

(8) In the column headed "date of registration," the date Date of regis-  
on which the application was actually registered, and none tration.  
other.

(9) In the column headed "sworn," will be entered the Sworn.  
word "sworn" (or affirmed) if the applicant is required to take  
an oath or affirmation.

SEC. 9. At the close of each day's registration, the regis- Double lines in  
trations for the day shall then be ruled off by double lines to ink to rule off  
be drawn by the registrars across the page in ink and immedi- each day's reg-  
ately under the last name and statement so registered; and the istration.  
registrars shall make a note in writing under such double  
lines, stating "close of first, second, etc., day's registration,"  
and attest the same by the signature of the chairman or two of  
the registrars.

SEC. 10. The registers of electors shall be placed in charge Who to have  
of such member of the board at the end of each day, as the charge of  
board shall designate, and at the close of the session on the registers.  
last day of registration shall be deposited in the office of the  
city clerk, and when not in the official use of the registrars or  
other persons lawfully entitled to the use and custody thereof,  
they shall at all times be deposited and looked up in the office  
of the city clerk, but subject to be produced for inspection at  
all proper times.

SEC. 11. In addition to the other questions, which will be Board to require  
put to applicants desiring to be registered, the board shall applicant to an-  
require such applicant to answer, under oath, as to whether he swer under oath  
has been registered in any other district, and if it appears that whether he has  
he has been so registered, they shall decline to enter his name been registered  
on the register until he shall produce a "removal certificate," in another  
as hereinbefore provided, and any elector who, being duly district.  
registered in the district where he then resided, shall remove  
into another district in the same city, may apply in person to  
the registrars of his previous district for a "removal certifi- Removal cer-  
cate," and the same shall be made and signed by them, certifi- ificates.  
ing his said registration, with all its particulars, as shown on  
their registers, but adding his statement of the new residence  
and district to which he has removed. They shall then imme-  
diately cancel his registration on their registers and list of  
electors by drawing double lines in ink through the same, and  
noting his "removal" and the ward and district to which he

has removed in the column of "remarks," but such note must be subscribed in the register by one of the registrars. And when by mistake a qualified elector has caused himself to be registered in a district which was not his place of residence, the registrars therein, on full and satisfactory proof that such error was committed by mistake, and without fraud or any unlawful intent may, on his personal application and proof of his true residence, give him a similar certificate as in case of removal, and cancel his registration in the same manner on their registers and list of electors. And the certificates in case of removal, or mistake so granted, shall, if presented in due time to the registrars of the district where such person so certified, lawfully resides, and proper proof thereof made to them, entitle such persons to be registered therein as herein provided. But in all cases where registration is made upon certificates from the board of registration of other districts, such certificates must be retained by the board to whom it is presented and returned by them to the office of the city clerk; such certificate shall be signed in order to be of any validity, by at least one of the registrars of the district in which the registration is first made. No person shall be registered upon production of any such removal certificate unless and until he shall have satisfied the board of registration, to whom he shall have presented such certificate, that he is a qualified elector and entitled to be registered in such district, and such "removal certificate" shall not be deemed evidence of his qualification as an elector in such district.

**SEC. 12.** At the close of the registration on the last day of the sessions of said board, held in October of each year, said district board of registration shall make out in books to be prepared, furnished to them by said city clerk, a list of all the registered electors in their district, whether registered by them or by any preceding board, as herein provided, arranged alphabetically, in the order of their surnames, followed by their full christian names, ages and residences, as registered, and the registered number of each prefixed. The books to be prepared for this purpose shall be ruled in columns with printed headings, as follows, namely: Registry number, ..... Name, ..... Age, .... Residence, ..... Voted November, 18—. Sworn, ..... Voted April, 18—. Sworn, ..... Voted, ..... Sworn, ..... Remarks, ..... These said lists shall be carefully compared by the registrars of each district with the registers thereof, and they shall then attach thereto a certificate as follows: "We, the undersigned, members of the district board of registration of electors, in ..... district, ..... ward, of the city of Detroit, do certify that the foregoing list is a true and correct copy of the names, ages, residences and registry numbers, and of any entries in the columns of "remarks" opposite such names on the registers of said districts of all persons who have been registered as residents and qualified electors in said district, dated this ..... day of ..... in the year ..... hundred and ....."

When a mistake shall be made in districts.

Certificates to be signed and returned to city clerk.

Board to make out in books a list of registered electors.

Form of register books.

To certify list.

and which certificate shall then be signed by all the members of said district board, and said list shall be delivered, together with the register of electors for said district to the city clerk, for use by the board of inspectors at the elections held in the fall of the year, and in the year following, until a new list be made at the registration made in the month of October. At the registrations made in the spring of the year, and at any registration preceding a special election the board of registrars will complete said list by adding thereto the names of any qualified electors registered by them, said names to be entered in the same manner, and there shall be annexed thereto a like certificate, as is required as above provided to be made by the registrars at the fall registration. Said list shall be known and marked as the "Election list of electors" for the ..... district, ..... ward (naming the district and ward). Any entries in the column of remarks set opposite any name in the register shall be copied into the like column in the list of electors.

Certificate to be signed by all the members of the board.

Board to complete list at spring registration.

SEC. 13. On the fourth Monday and on the third Tuesday and Wednesday preceding the general election held in November, and the fourth Monday and the third Tuesday and Wednesday preceding the annual city election held in November, and the third Monday and Tuesday preceding the election held in April in said city, the district boards of registration shall be in session in their respective districts at such places as shall be designated in the notice of registration to be published by the city clerk as hereinafter provided, from eight o'clock, local time, in the forenoon, to nine o'clock, local time, in the evening of each of said days, without intermission. At such sessions of such district board, they shall review and complete the list of qualified voters for such district. Such registration shall be made in the "register of electors" for such district, and shall be made in the manner provided in this act for a general registration of electors in every fourth year. And all the provisions of law in relation to receiving applicants for registration, and the registration of such applicants, shall be held applicable to, and govern the registration in such intermediate years. On reviewing the list of electors appearing on such register, if it shall be known to the board that any person whose name appears herein is dead, or has removed from the city, they shall enter the word "dead," or removed from the city, opposite such name in the column headed "remarks" and they may further draw a line in red ink through such name. They shall also, opposite such entry, in said column of remarks, enter the date of entry and the name of the registrar making it, so as to show when and by whom made, and thereafter such name shall be considered erased, and treated as no longer in the register. But, if it shall happen that such entry is erroneously made, and such persons shall thereafter appear and claim the right to be again registered, he may be registered by the board of registration, in the same manner as though his name had never been erased, or if he shall appear at an election and claim the

District board, when to be in session.

To review and complete list.

In case of death or removal from the city.

right to vote thereat, his name may, on his application, be again registered upon the following terms: He shall, upon his examination, on his oath or affirmation, which any member of the board of inspectors may administer, declare that he is the identical person whose name was so registered and erased, and that he is a qualified voter and entitled to vote; and upon making such oath or affirmation, the board of inspectors being satisfied that he is a duly qualified elector, his name may be registered in the manner above described by a member of the board of inspectors and by its order, the proper entries being entered in the proper register, under the appropriate heading and the name and residence of such person entered in the list made by the board of registration for the use of said board of inspectors, as above provided, and in the column of remarks in the "register of electors," there shall be entered opposite such name the words "registered by inspectors," followed by the signature of one of the board of inspectors. And if such applicant shall affirm or swear falsely he shall be liable to the pains and penalties of perjury, and if an entry shall be made falsely and maliciously, and without credible information, indicating in said register that any person is dead, or who has removed from the city, the member of the board making it, and any other member of the board consenting thereto, shall be deemed guilty of a misdemeanor, and be punished as such; and the party aggrieved shall be entitled to recover from him or them, in an action on the case, treble damages for the injury, and treble costs of suit, in any court having jurisdiction of the case and the record of the defendant's conviction of the criminal offense, duly authenticated, shall be *prima facie* evidence of his liability.

Penalty for  
swearing  
falsely.

All entries to be  
made in ink.

Registers and  
election list to  
be open to pub-  
lic inspection.

Any new regi-  
stration shall be  
made in the  
manner provid-  
ed in this act.

SEC. 14. All entries in said register, and in the election list of electors, shall be made in ink, and no member of said board of registration shall write or make any entry in said register or list, or allow any other person to do so, excepting the same be permitted by law, and no other person shall make entries, or mark whatever therein, excepting inspectors of election, as provided by this act, or, as may be provided by the statutes of the United States. The registers and the election list of electors in the office of the city clerk shall at all times be open to public inspection without charge. In case the "register of election" for any district shall be lost or destroyed, or so mutilated that the same cannot be used, the common council of said city may direct the board of registration of the proper district to make a new general registration of the electors in such district at their sessions held as provided herein, prior to any election. Any such new registration shall be made in the manner provided in this act for a general registration of electors, and all provisions of law in relation to receiving applications for registration, and the registration of applicants, shall be held applicable to and govern the registration provided by this section to be made, and an "election list" of electors shall be made by the regis-

trars, in like manner as they are directed to be made in the case of general registration.

SEC. 15. At the opening of the sessions of the board in intermediate years, there shall be delivered to the district boards respectively, the "register of elections," and the "election list" of electors for the year, by the officers having custody thereof, and the city clerk shall procure and furnish all the necessary blanks, and he shall also keep on hand in his office, blank affidavits and certificates required or provided by this act to be made. He shall also procure and furnish all necessary books, stationery, blanks, seals, pencils or stamps required by this act for the use of inspectors of election or electors in preparing their ballots. All books, blanks, printing, stationery, etc., required by this act to be furnished by the city clerk, shall be procured by him at the expense of the said city, and the bills or claims therefor shall be audited and allowed by the common council.

The register and election list to be delivered to board.

City clerk to furnish blanks, books, etc.

SEC. 16. At least seven days previous to the commencement of any session of the district board of registration the city clerk, at the expense of the city, shall cause a notice thereof to be printed and published in not to exceed two daily newspapers in said city, designating the places of holding the same, which notice shall be published not more than three times in each of said newspapers, and shall also contain a true copy of section one of article seven of the constitution relative to the qualification of electors.

City clerk to cause notice to be published.

SEC. 17. It shall be the duty of the city clerk, on the demand of any qualified elector of said city, on payment or tender of his legal fees, to make out, certify, and at his office deliver to such elector a true copy of the contents of any register of electors of any district of said city, for which he shall be entitled to receive compensation at the rate of twenty-five cents for every one hundred names.

City clerk to make, copy and certify contents of register, fees for.

SEC. 18. Each member of a district board of registration, while acting under this act, shall be entitled to receive four dollars a day for every day he shall actually serve in performing his duties, to be paid by the city, and he shall not be entitled to receive for such services any other sum whatever. The two members of the district board of registration who were appointed by the common council, as provided by an amendment to this chapter, approved March fifth, eighteen hundred and ninety-five, together with a chairman to be designated by the common council, as now provided by law, shall constitute such district board of registration and complete the registration of electors at the registration to be held in the month of October respectively in the year eighteen hundred and ninety-five. The present registration books shall continue to be used and electors registered therein until the year eighteen hundred and ninety-six, when the form of register provided by this act and the provisions of this act relative to registration therein shall be held to apply and govern. Until the form of register herein prescribed is used it shall not be necessary to observe the requirements of subdivisions three, four, five, six, seven

Compensation of district board of registration.

Present registration book to be continued in use until 1896.

- and nine of section eight. In all other respects, including the preparation and use of the election list of electors the provisions of this act in respect to registration shall be held applicable to all future registration of electors in said city, but it shall not be necessary until the form of register herein prescribed is used to enter or copy from the register to the election list of electors any registry numbers: *Provided*, That in all new districts formed by the division of existing districts or otherwise the form of register herein prescribed shall be used.
- Provide.**
- Registration of the names of women to be kept separate.**
- SEC. 19. Women who reside in the district, who, if they were males, would be qualified electors therein, may be registered at the registration immediately preceding the election held for the choosing of school inspectors, but they shall be registered in a separate register of the form herein prescribed, and all the provisions of this act so far as they may be relevant shall apply to and govern such registration. The names of women who may be registered shall be entered on the list of electors for the district, but separated from the names of the male electors.
- Registrar to meet, time and purpose for.**
- SEC. 20. On Monday the day preceding the November election, in every year, and on Saturday preceding the biennial spring election the registrars at each and every election district shall meet at two o'clock in the afternoon at the polling place appointed for holding elections therein, and there remain in session until nine o'clock in the evening. Such meetings shall be held for the purpose of receiving and acting upon any application for either granting or receiving certificates of removal, and for the purpose of correcting any mistakes as herein provided for, and for the purpose of registering qualified voters who may have been absent from said city or sick on the days appointed for registration as hereinafter provided. No new names shall be placed on the register at such meeting excepting upon certificates of removal from some other districts, or of voters who may have been sick or absent as hereinafter provided. If any material error or mistake in the description of any elector in said district has been discovered he may appear at this meeting and on good cause being shown the registrars may then correct the same, but any change in the register which shall be allowed by the registrars at such meeting must be immediately noted by them in the register and also in the book containing the election list for the use of the inspectors of election, as above provided, and if not then there so noted shall be wholly null, and disregarded by the inspectors of election. At such meeting said board may register any qualified voter of such district upon the personal application of such person, whom they may require to state in writing that he was necessarily and unavoidably absent from said city on all the days appointed or allowed by this act for the registration of electors immediately preceding said election, specifying the same and the business in which he was engaged, or that he was sick and by reason thereof was unable to attend the sessions of the district board of electors of the district as aforesaid for the registration of electors, which statement shall be subscribed and
- No new names to be placed on the list except on certificate of removal. Correction of errors.**
- May register names of person absent from city on day of registration.**

sworn to by said applicant before one of said registrars, each of whom shall have authority to administer such oaths. Said registrar shall require such applicant to answer under oath all proper questions which it shall be their duty to put touching his residence and other qualifications as an elector of the district in which he asked to be registered, and such other matters as are required to be entered in said register, and if satisfied that such applicant is a resident of such district and that he is qualified to vote therein, but not otherwise, said registrars shall enter said applicant as registered in the register of said district and in the election list of electors. The registrars may at such meeting register upon certificates of removal any elector then resident of said district in the same manner as herein provided for registration of like applicants on the days appointed for holding of the other sessions of said board. At such meeting held under the provisions of this section any elector may appear and challenge the vote of any person named in the register of such district, and the word "challenge" shall be immediately entered by the registrars opposite the name of such person in the list of electors and if he shall offer to vote at any election the inspectors of election shall at such time examine him under oath as to his qualification as an elector in such precinct, and they shall also make a like examination of any other persons named in said list and opposite whose name the word "challenge" is written, the same in all respects and with like effect as though they had been challenged at the election by a challenger thereof. On Monday in each year preceding the November election, and on the Saturday preceding the biennial spring election and on the secular day next preceding any special election the district registrars of election and the three inspectors of election for each district shall meet at the polling place appointed for holding the election therein, at eight o'clock in the evening punctually, and then and there organize as a board of inspectors of election, and the members of said district board of registration and the three inspectors of election and their successors in office shall constitute the board of inspectors for such district. They shall at this meeting make all necessary arrangements for the proper accommodation of themselves and the clerks of election in receiving and calling ballots at the ensuing election, and for the witnesses and challengers designated as hereinafter provided to be admitted within the polling rooms, and at such meeting they shall appoint two clerks of election for the ensuing election.

Shall require applicant to answer under oath touching residence, etc.

May challenge vote of person named in register.

Registrars and inspectors to meet and organize.

What to arrange at meeting.

Board of inspectors, how elected.

SEC. 21. There shall be elected in and for each election district of the city of Detroit, at the next November election following the time when this act shall take effect, and annually thereafter, three qualified electors of such district, who, together with the three registrars of electors, shall constitute a board of inspectors of election for such election district. Such inspectors shall be elected by ballot, and upon being so elected they shall qualify by filing with the city clerk the constitutional oath of office, and shall hold their said office for one year from the first day of January next after their election, and

Vacancies, how filled.

until their successors are elected and qualified, and any vacancy in their number caused by failure to elect by ballot, as hereinafter provided, or inability to act by removal, death, or other cause, or by any refusal to serve of the person so elected, may be filled for the remainder of said term by the electors present, by *viva voce* vote, at the opening of the polls at any general or special election, and if any of the said inspectors be sick or absent his place may, in like manner, be filled for the time being upon the opening of the polls at any general or special election.

Shall not vote for more than two candidates.

SEC. 22. In all elections for inspectors to be elected as above provided, no elector shall vote for more than two candidates, and from the whole number of votes cast the three inspectors receiving the largest number shall be elected. The votes shall be determined as in case of election of other city officers.

Board to appoint two clerks.

SEC. 23. The board of inspectors shall as above provided appoint two clerks of election who shall take the same oath as the inspectors, which oath either of the inspectors may administer. The chairman of the board of registration shall also be chairman of the said board of inspectors. In all cases of filling of vacancy, or vacancies, by *viva voce* vote of the electors under this act, the chairman or any member of the board appointed by the board for that purpose, when the time for opening the polls has arrived, shall announce such opening of the polls, and that it was necessary to fill such vacancy, whereupon the qualified electors present may proceed to nominate and elect a suitable person or persons to fill such vacancy or vacancies, and the person or persons so chosen shall take the oath of office which either of said inspectors or any person authorized to administer oaths, may administer, and he shall thereupon take his seat and act as a member of said board; the oath of office shall be subscribed by the person taking the same, and the officer administering the oath shall file it in the office of the city clerk after the close of election. The inspectors so chosen as aforesaid, together with the registrars for the district, shall constitute the board of inspectors of election for such district.

Chairman, who to act.

Vacancies, and opening of polls.

To constitute board of inspectors.

Qualifications of voters.

SEC. 24. No person shall be permitted to vote unless he shall be a resident of the district, and he shall have resided in this State six months next preceding the election, and in the ward twenty days next preceding the election, and shall possess the other qualifications specified in section one, article seven, of the constitution of this State. And in determining the residence of a person offering to vote or to register, the following general rules, so far as may be applicable, shall govern:

Residence of.

*First.* The place shall be considered the residence of the person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning;

Not considered to have lost a residence.

*Second.* A person shall not be considered to have lost his residence who leaves his home and goes into another State or



place for temporary purposes merely, with the intention of returning;

*Third,* A person shall not be considered to have gained a residence in any district into which he comes for temporary purposes merely, without the intention of making such district his home. If a person removes to another State with an intention of making it his permanent residence, he shall be considered to have lost his residence in this State;

*Fourth,* If a person removes to another State with an intention of remaining there an indefinite time, and as a place of present residence, he shall be considered to have lost his residence in this State, notwithstanding he may maintain an intention to return at some future period;

*Fifth,* If a person go into another State, and while there exercise the right of a citizen by voting, he shall be considered to have lost his residence in this State;

*Sixth,* A person must not be held to have gained or lost a residence by reason of his presence or absence from a place while employed in the service of the United States or of this State; nor while engaged in navigation, nor while a student in any institution of learning, nor while kept in an almshouse, asylum or prison;

*Seventh,* The place where the family of a married man resides shall be considered and held to be the place of his residence, except where the wife and husband have separated and lived apart, then the place where they resided at the time of the separation shall be considered there to be his place of residence, unless he afterward, and during the time of such separation, remove from such place, in which case the ward in which he resides the length of time required by the provisions of this section to entitle a person to vote, shall be considered and held to be the ward of his place of residence;

*Eighth,* If the place where a man's family resides be a place of temporary establishment, or for transient objects, it shall not necessarily govern as to his place of residence;

*Ninth,* The mere intention to acquire a new residence, without the fact of removal, avails nothing; neither does the fact of removal without the intention;

*Tenth,* When a party takes his meals in one place and sleeps in another, the place where he habitually sleeps shall be his place of residence, unless it appears that he takes his meals with his family or relatives, or at some place which he considers his home, and intends to consider as such, and in such case the place where he takes his meals shall be his place of residence;

*Eleventh,* The term of residence must be computed by including the day on which the person's residence commenced, and excluding the day of election.

**Sec. 25.** It shall be the duty of the common council of said city to select and secure suitable places for holding in each election district the session of the district board of registration of electors, and in like manner to select and secure places in the several election districts for holding elections.

Not considered to have gained a residence.

When considered to have lost a residence.

Voting in another State.

Not held to have gained or lost a residence while in the employ of the United States or this State.

Residence of a married man.

Place of temporary establishment.

The mere intention to acquire a new residence without removal avails nothing.

When sleeping in one place and taking meals in another.

Term of residence, how computed.

Duty of council to secure places for holding registrations and elections.

The common council may cause temporary structures suitable for the purpose to be constructed, and for that purpose may occupy temporarily portions of the highway as sites for such structures. Places for registration shall be selected before the time when the city clerk is required to publish notice of the places of which the several boards of registration will hold their sessions, and a like designation of the places for holding the election will be made before the time when the city clerk is required to publish notice of such election, and the city clerk, in his notice of the sessions of said boards of registration and in his notices of the holding the election, will designate the places so selected as the places of said sessions and holding the elections respectively. The expense of procuring said places or erecting temporary structures or booths for the purposes mentioned, and of the necessary furniture, heating and lighting, may be paid from the general or contingent fund as the council may determine, or from a fund specially raised for the purpose. No board of registration shall hold its sessions nor shall any election be held in any saloon or bar room, or in any place where wine, beer or any spirituous liquors are sold, or in any room or place connected therewith, nor shall any such place be selected or designated, and should any place be designated or appointed for holding a session of the board of registration or for holding an election in violation hereof, or become subject to such interdiction after having been so designated, it shall be the duty of the board of registration on or before the commencement of their session, and it shall be the duty of the inspectors of election on or before the day of such election, and before the opening of the polls on such day, to procure a suitable place as near thereto as may be not subject to like interdiction. The board of registration shall cause notices to be posted up in a conspicuous place at the place designated by the common council of such change, and shall thereupon proceed and hold their sessions at the place designated in such notice and procured by them as above provided. The inspectors of election shall meet at the place first designated, at the time for opening the polls and after any vacancy in their number shall have been filled, adjourn to the place so chosen by them, and at the time of said adjournment give public notice to the electors present by proclamation of such change, and of the place where such election shall be held, and by posting at such place first designated a conspicuous notice of such change and all expense attending such changes shall be certified by such registrars or inspectors of said city to the common council and shall be allowed and paid accordingly. And it shall be unlawful for any person to take any wine or beer or other spirituous or malt liquors, or cause the same to be brought into any room or apartment at which sessions of any board of registration may be held during the session thereof, or into any room or apartment used as a place for the marking, casting or receiving, or for the counting of votes at any election from the opening of the polls to and including the canvass of the votes and completion of the returns thereof, or

Places for registration to be selected before clerk publishes notice.

Expense, what fund to be paid from.

Not to be held in a saloon or where liquor is sold.

Unlawful to take beer or liquor into room where sessions are held.

to have, partake of, or drink in any such room or apartment during the session of such board of registration or during the holding of such election, and the canvass of votes as aforesaid, any spirituous or malt liquors whatever, or for any registrar, inspector or clerk of election, or any gatekeeper, challenger or witness appointed as provided by this act, to become drunk or intoxicated during the sessions of said board of registration or during any of the time of the holding of said elections and canvass of votes as aforesaid; any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

SEC. 26. It shall be the duty of the city clerk, at least seven days before any election, to give notice thereof in not to exceed two daily newspapers published in said city, which notice shall be published not more than three times in each of said newspapers. The notice shall specify the officers to be chosen, the day on which the election is to be held, the time for opening the polls, and the place in each election district where the election is to be held.

Clerk to give notice, what to specify.

SEC. 27. The city clerk, corporation counsel and city treasurer shall constitute a board of election commissioners for said city, two of whom shall constitute a quorum, and they shall choose their own chairman and secretary, and shall severally receive as a compensation for their services at each election fifty dollars and no more. It shall be the duty of said board to prepare and cause to be printed ballots for election of all the city officers for whom the electors are entitled to vote, and for all proposed questions to be submitted by the common council as provided by this act, or any other act or acts, to the electors of said city. The candidates whose names shall be printed on said ballots shall be ascertained and determined, and be certified to the board of election commissioners as hereinafter provided.

Board of election commissioners, who to constitute.

Compensation.

Board to prepare ballots.

SEC. 28. Every ballot must be printed on paper uniform in size, color, weight, texture and appearance, and shall not have any mark or thing on the back, edge or outside thereof, except as provided by this act, whereby it might be distinguished from any other ballot, or so that it can be ascertained by what person or what class of persons they were used or voted, and they shall not contain any mark, color or device on the face of the ballot by which one ballot may be distinguished from another when folded. Ballots shall be printed substantially in the form and as prescribed by the general election laws of this State for the election of State and county officers, excepting that the instructions printed on the ballot shall be as follows:

Ballots must be uniform.

“Instructions: Mark a cross [X] in the square under the name of your party at the head of the ballot. If you desire to vote a straight ticket nothing further need to be done; if you do not desire to vote for any candidate under the name of your party erase the name of such candidate. If you desire to vote for a candidate on a different ticket make a cross in the square before the name of the candidate you desire to vote for or write his name in the space under the name erased. A ticket marked

Instructions for marking.

What to be printed at top of ballot.

Commissioners to be furnished with names of candidates.

No vignette to be printed on ballot.

Names of all candidates to be printed on one ballot.

Vacancies, after ballot is printed.

with a cross under the party name will be deemed a vote for each of the candidates named in such party column, unless you erase the name of some candidate in that column or mark a cross before the name of a candidate in some other column. If the name of a candidate in some other column is marked with a cross it will be deemed a vote for such candidate. Before leaving the booth fold the ballot so that the initials of the inspector may be seen on the outside." At the top of the ballot for city, ward or district officers, should be printed the words "City ticket," followed by the number of the ward and district in pica type. It shall be the duty and the privilege of the respective city committees of the different political organizations to furnish the election commissioners the names of the candidates of their political organization to be voted for at the then next election and to designate the name of the party or political organization which they represent, and such names shall be furnished and name designated not less than seven days before such election. The names so furnished should be those of all candidates nominated at any regular called convention or caucus at which candidates for any of the offices required to be selected shall be nominated, and no other names unless authorized or instructed by said convention or caucus. All the names of parties so nominated shall be certified to by the chairman and secretary of the respective city committees of their political organization. No vignette shall be furnished or printed on any ballot. The printed copy of the ballot shall be open to the inspection of and correction by the chairman of each committee furnishing the names of candidates and of and by any candidate known thereon, and it shall be the duty of the election commissioners to correct such errors which may be found therein by such inspectors. The election commissioners shall cause the names of all candidates for the various offices provided by this act, to be voted for at any election and certified as provided herein, to be printed on one ballot; all nominations of any party to be placed under the title or heading designated by the city committee as aforesaid; they shall also cause any proposition or other question to be submitted to the electors of said city for popular vote, to be printed on the ballot as above provided. In case of the death, removal or withdrawal of any candidate, after the printing of such ballots and before the day of election, the chairman of the city committee of the political party to which such candidate belongs shall transmit to the election commissioners the name of the persons so selected by such party to fill such vacancy, and said commissioners shall provide the election board of each district in which such candidate is to be voted for with a number of pasters containing only the name of such new candidate at least equal to the number of ballots provided for such district but no paster shall be given to or received by any one except such election board, and it shall be the duty of the board of inspectors of election to put one of such pasters in a careful and proper manner in the proper place on each ballot before it shall be given to any elector for the purpose of voting. If the

death, removal or withdrawal shall occur before the printing of the ballot, the necessary change in such ballot shall be made by the commissioners, having been communicated by the proper committee of the political organizations to which such candidates belong. The use of slips or pasters, excepting as provided by this section, is forbidden, and any ballot containing such slips or pasters, excepting as herein provided, shall be rejected.

Before ballot is printed.

SEC. 29. When any proposition is to be submitted to the electors in said city by the common council, or by any provisions of law, it shall be printed upon the ballots immediately following the names of candidates for office; the proposition shall be stated and followed by the word "Yes," opposite which will be placed a square similar to those opposite the names of candidates for offices, and then repeated followed by the word "No," and a similar square, and any voter desiring to vote affirmatively or negatively may put a cross in one of the said squares, and the ballot shall be counted affirmatively or negatively, according to the place in which the elector shall make such cross.

Propositions to be submitted to electors, how printed on ballot.

SEC. 30. It shall be unlawful for any person to print, issue, distribute or circulate in said city of Detroit, or to request or cause any other person to print, issue or circulate, or request any elector to vote any ballot, or to vote any ballot excepting such ballots for the election of city officers as shall have been printed under the authority of this act, or any counterfeit or imitation of such ballots and intended or adapted to mislead or deceive, and any person so offending shall on condition thereof be punished by a fine, not exceeding one thousand dollars or less than one hundred dollars, and by imprisonment in the Detroit House of Correction not more than one year or less than thirty days, or by both fine and imprisonment.

Unlawful to print, distribute or vote any ballot except that printed under the authority of this act.

SEC. 31. It shall not be lawful for the printer of such ballots, or any other person to give or deliver to, or knowingly permit to be taken, any of said ballots by any person or persons other than the board of election commissioners, or to print or cause to be printed any ballot in any other form than the one prescribed by this act, or with any other name thereon, or with the name misspelled, or the names thereon arranged in any other way than that authorized and directed by the said election commissioners, and a violation of this section shall be deemed a misdemeanor and be punished accordingly.

Ballots not to be delivered to other than election commissioners.

SEC. 32. It shall be the duty of the said election commissioners to provide a sufficient number of ballots, at least two to each elector of any district, according to the vote at the last preceding general election; there shall be provided and delivered to the board of election inspectors of each voting district, such number of bottles of ink and pens and of German blue pencils for marking ballots and writing names thereon as may be necessary. The expense of printing ballots shall be certified by the commissioners and paid from the same fund as other election expenses. The necessary number of ballots shall

Ballots to be delivered to inspectors of each district.

Expense of printing ballots, how paid.

To be wrapped  
and sealed.

be wrapped and tied in packages and securely sealed with wax, and the chairman of the board of election commissioners, or some other member thereof authorized by the board, shall make and sign a certificate setting forth the number of ballots in such package, and that such ballots were packed and sealed by himself personally, which certificate shall be securely attached to the package, and for the safe sealing of such ballots the commissioners shall provide themselves with a seal of such design as they may deem proper. Said packages shall not be opened until delivered to the board of inspectors of the proper district, which shall be designated on the package, when said board shall be fully organized and ready for the reception of votes as herein provided.

Superintendent  
of police to see  
that the ballot  
boxes are ready  
for use.

SEC. 33. It shall be the duty of the superintendent of police to see that the ballot boxes belonging to the city are kept in good and suitable condition, and prior to every election he shall see that the proper boxes are ready for use, and on the day before election shall apply to the election commissioners for the ballots printed as provided by this act, and to the board of election commissioners of the county for the ballots prepared by them, for use in said city, and it shall be the duty of said boards respectively to deliver the same to him, and he shall receipt therefor. He shall also receive from the city clerk all necessary stationery, seals, blanks, "register of electors" poll books and "election list of electors," and by safe and trusty messengers deliver the same to the respective boards of inspectors of election at the polls at which they are intended to be used. Said superintendent shall in like manner procure the necessary books, blanks and stationery and deliver the same to the respective boards of registration at their several sessions, and at the close of the session of said registration board and of the sessions of the board of inspectors shall receive all such books and blanks, ballot boxes and ballots, and any other articles which may not have been used or required, and deliver the same to the proper custodian. The said superintendent shall take a receipt from the chairman of the board of inspectors for the number of ballots delivered to the board as indicated in the certificate of the commissioners thereto attached, and upon receiving the unused ballots from the inspectors, shall carefully count and receipt for the number thereof, delivered to him by said board, marking on the package, which shall be securely sealed, the number so receipted for, and after the receipts shall have been made and signed the package of unused ballots shall be delivered to the superintendent of police, who shall destroy the same after having made an entry in a book kept by him for the purpose of the number of ballots so returned.

To deliver books,  
blanks and sta-  
tionery, etc., to  
board of in-  
spectors.

To take receipts  
for number of  
ballots de-  
livered.

Council to cause  
railing to be  
erected.

Gatekeeper to  
be appointed,  
duty of.

SEC. 34. The common council shall provide for and cause to be erected in the room where the election is to be held a railing or fence four feet in height, which railing or fence shall extend through and across the room and shall cause a gate to be erected in said railing. The gate shall be in charge of a gatekeeper appointed at the opening of the polls by the board

of election inspectors, and duly sworn to allow no person to pass through said gate and enter said railing, except to vote or by direction of the said board of inspectors, and no other person, excepting such as the inspectors are required to admit within the inclosure where they may sit, shall be allowed to the inside of said railing except to vote or to assist an elector in the preparation of his ballot as hereinafter provided, and by direction of said inspectors, and as soon as an elector has voted, he shall retire without and shall not again be admitted within the railing, and only as many electors as there are booths shall be allowed within the railing at one and the same time, and the electors shall be admitted in the order in which they shall apply. Inside of the railing a booth or temporary room shall be erected, and at least one such booth shall be provided in each polling place for each one hundred persons entitled to vote thereat, as shown by the last preceding registration of electors; such booth or temporary room shall be built with walls not less than six feet high and in such a manner that the person preparing the ballot shall be concealed from all other persons. The passage way to and from the booths shall be separated from the place in which the inspectors may sit by a railing of three feet or more in height, to which, when the elector offers his vote, he shall approach and over the same deliver his vote to the inspector authorized to receive the same. No person shall be permitted within the inclosure within which the inspectors shall sit unless by special order of the board of inspectors, excepting such persons as the board are herein directed to admit within the inclosure.

Booths.

SEC. 35. The polls of the election shall be open at seven o'clock, local time, in the forenoon, and shall be continued open until five o'clock, local time, in the afternoon of the same day, and no longer, nor shall any adjournment or recess be taken from the opening of the polls until the canvass shall have been completed and the returns made and signed, and delivered to the proper inspectors as hereinafter provided. At every election the city committee of any party may, by the certificate of its chairman and secretary, in writing, signed by them, designate not more than one elector of said city as witness, and one other elector as challenger, to attend at the election in behalf of such party, and its candidates, whose names are printed on the ticket at each election district, and it shall be the duty of the inspectors of election in every election district to admit the witnesses and challengers so accredited in the enclosure with themselves and the clerks at such election, and place them so near to themselves and the clerks that they can fully and conveniently watch every proceeding of the inspectors and clerks from the time of opening the polls until the counting, certifying and signing of the final returns of the election. Before the opening of the polls the ballot boxes shall be opened, if requested by either of them, so that the inside and the locks and keys may be inspected by them. No ballot box nor any ballot when taken from it for counting shall be removed or screened from the constant sight of such witnesses or chal-

Polls, time of opening and closing.

City committee may designate one elector as witness and one as challenger.

No ballot or box to be screened from view.

lengers until the counting has been closed and the certificates of the final return completed and signed by the inspectors and the ballot boxes locked and sealed. The challengers so designated shall be so placed that they can fully see and meet every person offering a ballot to the inspectors or either of them.

When package  
of ballots to be  
opened.

SEC. 36. At the opening of the polls after the organization of and in the presence of the board of inspectors, one of the inspectors shall open the package of ballots in such manner as to preserve the seal intact and if possible the certificate attached thereto; he shall then deliver to one of the inspectors, to be designated by the board, fifty of the ballots, and shall place at least two German blue pencils for marking the ballots in each of the booths. The inspector so designated shall at once proceed to write his initials in ink on the upper left hand corner of the back of each of said ballots in his ordinary handwriting, and without any distinguishing mark of any kind. As each successive elector calls for a ballot another one of the inspectors shall deliver to him the first signed of the fifty ballots, and as the supply of ballots in the hands of the inspector shall decrease, additional ballots shall be signed by the same inspector, so that at least twenty-five ballots so signed shall be at all times in the hands of the inspector delivering the ballot to the elector.

Inspector to  
write his initials  
on ballots.

No ballot shall  
be deposited in  
the ballot box  
until the name  
of the elector  
offering it shall  
have been found  
on the election  
list.

SEC. 37. No ballot shall be deposited in the ballot box until the name of the elector offering it and his residence shall first have been stated by him and announced aloud by the inspector holding the ballot, nor until the name shall have been found on the election list of electors and so announced by the inspector holding such list. Every ballot must be put into the ballot [box] by the inspector who receives it from the elector, and the ballot be so held forth by the inspector that it shall be in full view of the elector until actually put into the box, and immediately upon depositing the ballot in the ballot box, the inspector or clerk having charge of the election list of electors shall check off the name of such elector in such list by marking the word "voted" in the proper column and in the line with the elector's name, and the name of such elector entered on the poll list.

May be chal-  
lenged.

SEC. 38. Any registered elector, when offering to vote, may, nevertheless, be challenged by any elector or challenger, as a non-resident, or for any other causes allowed by law, and he shall be sworn and the same proceedings thereupon had as in other cases of challenge; and whenever it appears that the word "challenge" is written opposite the name of any elector in the election list of electors, it shall be the duty of the inspector to challenge such elector and cause him to be sworn the same as though he had been challenged by any elector present. In all cases of challenge the inspector holding the election list of electors as aforesaid shall note the word "sworn" opposite the name of the person challenged, whether the person offering to vote shall be permitted to vote or not. The register of electors may be referred to in all cases of dis-



agreement and doubt on any question during the election and such register when relevant shall be conclusive.

SEC. 39. It shall be the duty of each inspector to challenge every person offering a ballot whom he shall know or suspect to be disqualified as an elector; when an elector shall not be challenged, or shall have taken the necessary oath or affirmation, he shall be permitted to vote, but not otherwise. If any person offering to vote shall be challenged as unqualified by any inspector, challenger or elector entitled to vote at that poll, the chairman of the board of inspectors shall declare to the person challenged the constitutional qualifications of an elector, and if such person shall state that he is a qualified elector and the challenge is not withdrawn, one of the inspectors shall tender to him such one of the following oaths as he may claim to contain the grounds of his qualifications to vote:

*Duty of inspector to challenge every person who he may suspect of being disqualified as an elector.*

*If challenged inspector to administer oath.*

"You do solemnly swear (or affirm) that you are twenty-one years of age, that you are a citizen of the United States, that you are now a resident of this election district, and that you have resided in this State six months next preceding this day, and in this ward twenty days next preceding this day, and that you have not voted at this election;" or

*Oath.*

"You do solemnly swear (or affirm) that you are twenty-one years of age, that you resided in this State on the twenty-fourth day of June, eighteen hundred and thirty-five, that you have resided in this State six months next preceding this day, and in this ward twenty days next preceding this day, and now reside in this election district, and that you have not voted at this election;" or

*Oath.*

"You do solemnly swear (or affirm) that you are twenty-one years of age, and that you resided in this State on the first day of January, eighteen hundred and fifty, that you have resided in this State six months next preceding this day, and in this ward twenty days next preceding this day, and are now a resident of this election district, and that you have not voted at this election;" or

*Oath.*

"You do solemnly swear (or affirm) that you are twenty-one years of age, that you resided in this State two years and six months prior to the eighth day of November, one thousand eight hundred and ninety-four, that you declared your intention to become a citizen of the United States two years and six months prior to the eighth day of November, one thousand eight hundred and ninety-four, pursuant to the laws thereof, that you have resided in this State six months next preceding this day, and in this ward twenty days preceding this day, that you are now a resident of this election district, and that you have not voted at this election;" or

*Oath.*

"You do solemnly swear (or affirm) that you are twenty-one years of age, and that you are a native of the United States, that you are a civilized inhabitant of Indian descent and not a member of any tribe, that you have resided in this State six months next preceding this day, and in this ward twenty days next preceding this day, that you are now a resident of this election district, and that you have not voted at this election."

*Oath.*

If the person so challenged shall take such oath his vote shall be received, but if he shall swear falsely, upon conviction thereof he shall be liable to the pains and penalties of perjury.

On entering the room inspector shall deliver to elector a ballot and on request explain manner of voting.

SEC. 40. On entering the room the inspector holding the ballots shall deliver to any elector applying to vote one of them, and on request shall give an explanation of the manner of voting. If deemed necessary by the board an interpreter may be called. The elector shall then, and without leaving the room, go alone into a booth which is unoccupied and indicate the candidates for whom he desires to vote as follows: Any elector may mark a cross in the space below the party name printed at the head of the ballot. If marked thus, such ballot shall be counted for all the nominees of such party whose names appear on the ballot in that column unless the voters shall have erased some name in the column or marked a cross before the name of a candidate for the same office in some other column, or written in the name, under the name of any candidate in the column of which the elector may have made a mark in the space below the party named. If the voter shall erase some name in the column, the votes shall not be counted for the person whose name is so erased. If he shall have marked a cross before the name of a candidate in some other column the votes shall be counted for such candidate.

Erasure.

A cross before the name, how counted.

Name written in, how counted.

If the voter shall have written in the name under the name of any candidate in a column at the head of which he shall have made a mark or cross, the name of the person so written shall be deemed to have been voted for by such ballot unless the voter shall have also marked before the name of some other candidate for the same office, a cross, in which case the ballot shall be rejected, for such office, as being a double ballot. If a ballot is found in any ballot box containing the same name of the person and the office for which he is designated or either of them, two or more times, and shall contain a cross opposite such names or name, it must not for that reason be rejected, but shall be counted as one vote: *Provided*, That the election commissioners shall not place on any ballot the name of any person for the same office, more than once, notwithstanding he may appear as certified by more than one committee, and as provided by law. Votes cast for two or more persons for the same office, except in cases provided by law, shall be rejected.

When lawful to vote for two or more persons for the same office.

When it shall be lawful to vote for two or more persons for the same office, the name of the office shall be printed in the first column, and opposite to it, in the appropriate column, the names of all candidates of such party for such office, the names following each other being placed opposite to other names of other parties in the other columns, and if a voter shall place a cross opposite the name of either of said candidates it shall be considered that he has erased the name of the candidate for such office upon his ticket, which is printed immediately opposite the name so marked, unless he shall also erase some name, upon his ticket for the same office, but it shall be unlawful to vote for more persons than there are offices to be voted for at

such election, and all votes cast for more persons than there are offices to be filled, shall be rejected.

SEC. 41. When a ballot found in any ballot box bears any impression, device, color or thing on its face or outside thereof, excepting as provided by this act, designed to distinguish such ballots from other legal ballots, it must with all its contents be rejected, and any ballot bearing any impression, device, color or thing upon its face, or so marked upon the edges that when folded and delivered to the inspectors it may be distinguished from other ballots, or so as to designate or impart knowledge of the person who voted such ballot, it must with all its contents be rejected. Whenever the board of inspectors rejects a ballot it must at the time of such rejection cause to be made thereon, signed by a majority of the board, an endorsement of such rejection and of the causes thereof.

Ballots bearing any device, color or design to be rejected.

SEC. 42. The ballot box shall be provided with double covers, one inside the other hinged, and each with a lock and key, and when locked one of the keys shall, during the time of the election, be held by one of the inspectors, and one key by another of the inspectors. Said covers shall have openings of the proper size to admit a single closed ballot, and therein each ballot received shall be inserted. At the opening of the polls the ballot boxes shall be opened and turned upside down so as to empty them of anything that may be in them, and it shall be the duty of the inspectors to offer to such persons as may be present the privilege of examining the same in their presence. They shall then be locked and the boxes shall not again be opened until the counting of the ballots begins; one of the clerks shall keep a poll list which shall contain the names of all electors whose ballots were received at such election, and opposite each name shall enter the number of such elector consecutively in the order which the electors vote. For the election at which school inspectors shall be chosen, additional boxes shall be provided for the ballots cast by registered women electors. Women electors may be challenged, and before their votes are received shall be required to take an oath or affirmation the same as male electors. In making the returns of such election a separate return shall be made of the votes cast by women, but the aggregate vote returned shall include the votes of all women electors, but no ballot shall be received from any woman unless she shall have registered and would be [a] qualified elector in the district if she were a male elector, but if so registered and qualified, women residing in the district shall be entitled to vote for school inspectors.

Ballot box to be provided with double covers.

For elections at which school inspectors are chosen additional boxes to be provided for ballots cast by women electors. Separate returns shall be made of votes cast by women.

SEC. 43. If any elector shall show his ballot, or any part thereof, to any person (other than one lawfully assisting him in the preparation thereof), after the same shall have been marked, so as to disclose the name of any candidates marked by him, such ballot shall not be received or deposited in the ballot box. In case such elector shall so expose his ballot his name shall be entered on the poll list with a minute of such occurrence, and such elector shall not be allowed to vote there-

When ballot not to be received.

after at said election. The elector shall then leave the room, but no elector to whom a ballot has been delivered shall be permitted to leave the room without voting the ballot or returning it to the inspector from whom he received it. Any elector who shall attempt to leave the room with a ballot or with any book, pencil, stationery or other paraphernalia of the election in his possession, shall be at once arrested on demand of any member of the board of inspectors, if he shall refuse to deliver the same upon request.

No ballot shall be distributed by any person other than one of the inspectors.

When inspector to assist in marking ballot.

SEC. 44. No ballot shall be distributed by any person other than one of the inspectors of election, nor in any place except within the railing of the voting room to electors about to vote, and no ballot which has not the initials of a member of the board of election inspectors written by such inspector on the back thereof shall be placed in the ballot box. When any elector shall make oath that he cannot read English, or that because of physical disability he cannot mark his ballot, or when such disability shall be made manifest to said inspectors, his ballot shall be marked for him by an inspector designated by the board for that purpose, who is not a candidate on that ticket, in the presence of at least one other inspector and in the presence of the witnesses, or such of them as may be present, appointed by the chairman of the different political parties as herein provided. Any inspector or person who shall mark a ballot for any elector, excepting as provided by this act, and in the presence of one other inspector and said witnesses, shall be deemed guilty of a misdemeanor, and shall be punished accordingly: *Provided*, The imprisonment shall not exceed thirty days nor the fine exceed two hundred dollars, and the fine and imprisonment may both be imposed. A suitable place shall be provided for the marking of ballots by an inspector for electors unable to mark the same as herein provided, inside of the railing at which the elector, the inspectors and the witnesses may be accommodated so that all of such persons may be present and witness such marking.

If a ballot be spoiled another may be obtained by returning the unused ballot.

SEC. 45. If any elector inadvertently spoils a ballot he may obtain another from the board by returning such spoiled ballot to the board, who shall preserve the same for return with the other unused ballots. It shall be unlawful for the board of inspectors, or any of them, or any person in the polling room or any compartment therewith connected to persuade or to endeavor to persuade any person to vote for or against any particular candidate or party ticket.

Unused and spoiled ballots to be returned to superintendent of police.

SEC. 46. The board of inspectors of election shall preserve the unused ballots, together with the ballots which have been spoiled, and shall deliver the same to the superintendent of police or to his duly authorized messenger, taking his receipt therefor as above provided. A statement of the number of ballots used shall be enclosed with the ballots returned. Two ballot boxes shall be provided other than those provided for women voters, one for the reception of votes cast prior to two o'clock and one for votes cast after that hour. At two o'clock the clerk having charge of the poll list shall draw a line under

Two o'clock count.

the last name entered in the list and shall write thereunder the words "two o'clock count commenced," which shall be signed by the chairman of the board and attested by such clerk. The number of votes shown by the poll list up to the hour of two o'clock shall be counted and compared with the number checked off in the election list of electors up to that time, and the number of voters having been ascertained and agreed upon, the result shall be certified in the poll book, in which proper blanks shall be printed for that purpose. The box then containing the ballots cast up to the hour of two o'clock shall then be opened, and before opening any ballot or ascertaining its contents the number of ballots shall first be counted. If the number of ballots exceed the number of names on the poll books certified as aforesaid, the ballots shall then be replaced in the box, and one of the inspectors, with his back to the box and without seeing it, shall draw out, without showing them, a number of ballots equal to the excess, and if during the counting of the ballots, or at the conclusion of the counting, an excess of ballots be discovered, all the ballots shall then be returned to the box, and after being thoroughly mingled, the excess shall, in the manner directed above, be drawn out and the count corrected accordingly. In all cases where ballots have been drawn out, a minute of the number so drawn and the reason shall be made on the tally sheet, and the ballots so drawn shall be returned with the other unused ballots to the superintendent of police, and by him destroyed. If two or more separate ballots are found so folded together as to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed; then, if upon comparison of the count, the number and names of electors on the poll book, it appears that the two ballots thus folded together were cast by one elector, they must both be rejected and returned with other unused ballots. The ballots and poll lists agreeing, or being made to agree in this way, the board shall proceed to count the vote in the following manner: If a proposition shall have been submitted to the vote of the electors at that election, all the ballots shall be first separated into three piles, the first pile containing all the ballots in favor of such proposition, the second pile containing all the ballots against such proposition, and the third pile containing all the ballots not mentioning such proposition, or being neither for nor against such proposition. At least three of the inspectors shall then examine each pile, and see that the separation has been properly made, then the first pile of ballots shall be carefully counted and the result announced to the clerks, who shall tally the same, and so the second pile shall be counted, announced and tallied, and likewise the third pile necessary, whereupon the clerks shall announce to the inspectors the number of votes for and the number of votes against such proposition. The ballots for and against any proposition to be made shall always be canvassed, counted and tallied before the names of candidates for any office are canvassed, counted or tallied; and it shall be the legal duty of the inspectors and clerks of election to make a

To be counted  
and compared.

If the number  
of ballots exceed  
the number of  
names on the  
poll list excess  
to be drawn.

When two bal-  
lots are folded  
together.

Procedure in  
counting.

true count and correct return of all votes upon any such proposition, and any wilful failure or neglect of any inspector or clerk to do so shall be a misdemeanor and punished accordingly. After completing the counting and tallying of the votes on any such proposition, those ballots which contain names which are marked alike, and commonly known as straight tickets, shall be placed together so that the several kinds shall be in separate piles or on separate files. At least two of the inspectors shall each examine the separate piles which are, or are supposed to be, alike, and exclude from such piles any which have a name erased or in any manner shall be different from the others of such pile. One of said inspectors shall then take one pile of the kind of ballots which are marked alike and count them in such subdivisions thereof as may be convenient for a prompt and careful determination of the result of such election, carefully examining each name and each of said ballots. Such inspector shall then pass the ballots aforesaid to another inspector, who shall then count them in the same manner, and who shall then pass them to a third inspector, who shall also count them in the same manner. The third inspector shall then call the names of the persons marked or voted for by such ballots, and the offices for which they are designated, and the clerk shall tally the number of votes counted, and so called for each of such persons. When the said inspectors shall have gone through one of such piles of ballots, known as the straight tickets, and the clerk shall have tallied all the votes for each of such persons, they shall then take up the next pile of ballots containing the names which are marked alike, and shall count them in the same way, and shall call the names of the persons named in said ballots, and the offices for which they are designated, and the tally clerk shall tally the votes for each of said persons in the same manner as in the first instance. When the counting of each pile of ballots, which contain names which are marked alike, shall be completed, the clerks shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed, and when they agree upon the number, one of them shall announce such number in a loud voice to the inspectors. The said inspectors having completed the canvass of the "straight tickets," shall then canvass the other kind of ballots which do not correspond, and those containing the names which are marked partly in one column and partly in another, usually called split tickets, and those from which the name of the person proper to be voted for on such ballot has been omitted or erased, usually called scratch tickets, said ballots shall be canvassed in such subdivisions as the inspectors may agree upon, and when all the ballots shall have been canvassed in this manner, and the tally clerks have made tally of the same, the clerks shall compare their tallies together, and ascertain the total number of votes received by each candidate, and when they agree upon the number one of them shall announce in a loud voice to the inspectors the number of votes received by each candidate on each of the kind of ballot containing his

Ballots to be  
counted by  
each in-  
spector.

name, the number received by him on the split and scratched tickets, and the total number of votes received by him. Each batch or subdivision of ballots agreed upon by the inspectors to be counted shall, as soon as counted, read and tallied, be strung upon a strong string or twine, or have rubber bands placed around them, and each batch shall be thus disposed of before the commencement of the count of the next lot or batch. At the completion of the canvass made in this manner of the votes cast up to the hour of two o'clock, the ballots shall then be placed in the same box, together with the tally sheets, and the two covers securely locked, each of the keys being held by different inspectors, and the same shall remain securely locked until the completion of the canvass of the remainder of the votes cast at such election.

SEC. 47. As soon as the polls at said election shall have been finally closed the inspectors of election shall immediately, and at the place of the poll, proceed to canvass the remainder of the votes cast and remaining uncounted; such canvass shall not be adjourned or postponed until it shall have been fully completed, nor until the several statements hereinafter required to be made by the inspectors and clerks shall have been made out and signed by them. The said canvass of the ballots cast after two o'clock shall be made in the same manner as the canvass of the ballots cast before that hour as hereinbefore provided, the number of voters according to poll list and election list of electors having been ascertained, after careful comparison of the same, and counting the number therein entered. After such canvass shall have been completed and the number of votes received by each candidate shall have been announced, then the ballot box containing the votes canvassed at the two o'clock count shall be opened, and the tally sheets of that count taken therefrom, and the number of votes for each candidate shown by said tally sheets at the two o'clock count and the tally sheets of the counts made of votes received after two o'clock shall be added together by the tally clerk, and the tally clerks having compared their tallies together, and ascertained the total number of votes received by each candidate, at said election poll, when they have agreed upon the number, shall announce to the inspectors the total number of votes received by each candidate, and proclamation shall thereupon be made in a loud voice and repeated by one of said inspectors, of the total number of votes received by each of the persons voted for in said district for the office for which he is designated, and the number of votes for and the number of votes against any proposition which shall have been submitted to a vote of the people. Such proclamation shall be *prima facie* evidence of the result of the canvass of such votes.

As soon as the polls close the remaining votes shall be canvassed and no adjournment shall be had until completed.

SEC. 48. The inspectors shall preserve all of the ballots rejected by them, either because they are defective or for any other reason, and shall attach the same together with a string or twine, or rubber band, with the statement thereto annexed that they are defective or rejected ballots which have been rejected by them, which statement shall be signed by the

Inspectors to preserve all rejected ballots.

inspectors the same as the defective or rejected ballots deposited in the box with the other ballots; and the canvass being completed and the result ascertained, the number of votes for each person and for the office for which he is designated, and the number of votes for and against any proposition submitted to vote at that election, shall be set down in the poll book upon proper blanks inserted therein under the inspection of the inspectors and certified and signed by them, and attested by the clerks. In all certificates, the number of votes shall be fully written out in words, also in figures.

Inspectors to  
make and certify  
full returns, how  
made.

SEC. 49. The counting of the votes having been completed, the ballots returned to the boxes as aforesaid, and said certificate entered in the poll book, the inspectors shall then immediately proceed to make and certify full and true returns of the result of such election under their hands; one return shall be made of all the votes cast for each city office, including those elected to represent wards and districts, and one return shall be made of the votes cast for all other offices voted for at said election, and a like return shall be made of all votes cast for and against any proposition which shall have been submitted to the electors of such election; duplicates of each of said returns shall be made and certified in like manner. One copy of such return of the votes cast for city offices shall be placed in an envelope carefully sealed and the names of all the inspectors written across the back of the envelope in such manner that the same cannot be opened without breaking such seal and otherwise defacing such envelope and signatures. Such envelope shall also have the names or number of the election district thereon, and shall be directed to the board of city canvassers in care of the county clerk of Wayne county, and the other copy of such returns of votes cast for city offices shall be placed in a like envelope and marked, sealed and endorsed in like manner and directed to the city clerk, and one copy of such returns of the votes cast for State and county offices, or other offices than city offices, and one copy of the returns of votes cast upon any proposition submitted at such election shall be placed in a like envelope, sealed, marked and endorsed in like manner, and shall be directed to the board of county canvassers in care of the city clerk, and the other copy of such returns for votes cast for other than city offices and of votes cast upon any proposition submitted at such election shall be placed in another envelope sealed, marked and endorsed in like manner and directed to the county clerk of Wayne county: *Provided*, That if a proposition shall be submitted relating to the city alone, or by order of the common council, a return of the votes cast thereon shall be enclosed in the envelope directed to the board of city canvassers, and a copy thereof enclosed in the envelope with the returns of votes for city officers shall be placed in the envelope returned to the city clerk. The envelopes directed to the city clerk shall contain a further endorsement indicating whether the return in the respective envelopes are cast for city or for offices other than city offices, naming them, or upon any proposition submitted. The returns directed to the board of

*Provided.*



city canvassers and to the board of county canvassers, respectively, shall be delivered to them respectively by the county clerk and city clerk; the other returns directed to the city clerk and county clerk shall be filed by them in their respective offices as part of the records thereof. All of said returns having been signed and enveloped as aforesaid, the inspectors shall cause the tally sheets to be placed in the boxes, the tally sheet of the two o'clock count being placed in the box containing the votes cast up to that time, and the tally sheets of the votes cast after that time being placed in the other box. They shall securely lock each of said boxes and a covering of leather or canvass, fastened with sealing wax, and stamped with an official election seal, shall be placed over the hole in the lid or cover and the key hole to said box so as to completely cover both said holes, in such a manner that the same cannot be opened, nor the holes in the cover or the key holes be uncovered without breaking the seal. The envelopes directed to the city clerk containing copies of the election returns as aforesaid shall then, together with the keys to the ballot boxes and the election seal be taken by any two members of the board designated for that purpose directly from such polling place to the office of the city clerk, who shall keep his office open until the returns from all election districts shall have been received, and there delivered by said inspectors to said clerk or one of his deputies, who shall observe whether such envelopes have been tampered with, and shall endorse thereon, over his official signature, the names of the inspectors from whom he received said return, and the time he received the same, and whether the same is in apparent good order, and shall thereupon deposit the same in a safe and secure place in his office; the keys and election seal shall be placed in the proper receptacle until needed, but the returns directed to the board of city canvassers shall not be opened until the meeting of said board, when they shall be delivered to said board by the county clerk. The envelopes to the county clerk and to the board of county canvassers shall be delivered to other inspectors designated for such purpose, who shall proceed directly, but not in company with the inspectors bearing the returns to the city clerk, to the office of the county clerk, who shall keep his office open until the returns from all the election districts shall have been received, and deliver said envelopes to him or to one of his deputies, and said clerk or his deputy shall observe whether the said envelopes so delivered have been tampered with, and on receiving said envelope shall endorse thereon over his official signature, the name of the inspectors from whom they received such returns, and the time of receiving the same, and that the same are apparently in good order, and he shall thereupon deposit the same in a safe and secure place in the office of the county clerk, but the return directed to the board of county canvassers shall remain unopened until the meeting of the board of county canvassers, when the same shall be delivered to said board by the city clerk. Any one or more electors present at the voting place

The returns directed to board of city canvassers and board of county canvassers shall be delivered to them by the city and county clerk respectively.

Tally sheets to be placed in the box with each count covered and sealed.

Keys to ballot box, seal, etc., to be taken direct to office of the city clerk.

The envelopes to the county clerk and board of county canvassers.

shall have the right to accompany the inspectors designated to so deliver such returns from the polling place to the offices respectively of the city and county clerks, and should said inspectors, or either of them, prevent or attempt to prevent such electors from so accompanying him or them, or evade or attempt to evade such electors, or stop at any place on the way from such polling place to said city or county clerk's office, without apparent necessity therefor, he or they shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished accordingly. Said inspectors, upon returning the ballots to the boxes, and fastening and sealing the same, shall thereupon deliver the same with the unused ballots and a copy of the poll books to a member of the metropolitan police, who shall be sent to the polling place by the superintendent of police for the purpose of receiving the same, and the messenger so sent shall forthwith convey said boxes, poll book and unused ballots to police headquarters, and there deliver the same to said superintendent, and the said boxes when so received shall be deposited by said superintendent in some safe place and shall remain in the custody of said superintendent for six months thereafter, when the ballots therein may be taken out and destroyed. The poll books shall be placed on file in the office of the superintendent of police, and the unused ballots shall be destroyed as herein provided. The same or another messenger shall receive from the inspectors the registers of electors, election list of electors and other paraphernalia of election, and deposit the same with the city clerk.

Poll books to be placed on file in the office of the superintendent of police and the unused ballots destroyed.

#### Recount.

Whenever within six months any court of competent jurisdiction, board of canvassers or other competent authority shall require such ballot boxes for the purpose of having or making a recount of the ballots therein contained, for one or more candidates, said superintendent shall, upon proper demand or request in writing, send such box or boxes, as may be required, by one or more of the metropolitan police to the court or board so entitled thereto, but such box or boxes shall not be taken from the custody of such member or members of the police force, except to open the same and count the ballots therein in his or their presence, and upon such count being made the ballots shall be returned to the box or boxes from which they were taken, duly locked and sealed, and said boxes then be conveyed back by the members in charge to such superintendent.

Board of city canvassers.

SEC. 50. Each board of inspectors shall choose one of their number to represent such election district in the board of city canvassers, and the persons so chosen to represent the election district in the board of city canvassers shall form a board of canvassers for the city, and shall on the Thursday next after the election, at ten o'clock in the forenoon, local time, meet at the common council chamber and proceed to open and canvass the said returns for city officers and declare the result of the election. The city clerk shall be clerk of said board, and the board shall choose one of their number to be chairman, and when the result shall be determined the city clerk shall make a record in a proper book for that purpose to be provided, of

City clerk to be clerk of the board.

the proceedings of said board and of the result of said election as determined by said board, which shall be signed by said chairman and clerk. If it shall be claimed by any member of the board of city canvassers that the return made to the board from any district is erroneous in respect to the return of votes cast for any office, the superintendent of police, on the request of said board, shall produce before said board the returns certified in the poll book for the district, and the county clerk shall likewise produce the returns in his office from such district, and if on comparison of all of such returns it appears that any two of them agree as to the number of votes returned for such office, the returns so agreeing shall be accepted as correct returns of the number of votes cast for such office. If the error be claimed to have been made in the return for any State, county or congressional office, the superintendent of police and city clerk shall produce said poll book and returns filed in the city clerk's office, and like examination and comparison shall be made thereof with the returns made to the county board of canvassers, and with like effect as is above provided in case of alleged error in the return of votes cast for a city, ward or district office.

If error is claimed in returns made, how compared.

SEC. 51. All registrars and inspectors of elections, while exercising their office under this or any other law regulating elections, shall have full power and authority, and are hereby required to enforce the peace and good order and obedience to their lawful commands for such ends at and about the places of registration and of holding elections. They shall especially keep the access of electors to the polls open and unobstructed, prevent and suppress all riot, violence, tumult and disorder, and also any and all improper practices or attempts tending to obstruct or intimidate electors from a free exercise of their free right to vote or tending to disturb or interfere with their free and peaceful registration of electors or counting and certifying the results of an election. They shall also protect the clerks of the election and the witnesses and challenger designated to attend the election as herein provided for from any violence, interference or molestation during the receiving and enumeration of ballots. And they shall at all hazards be bound to preserve and secure the registers, lists of electors, poll book, ballot boxes and ballots at every election from violence, fraud or tampering. To enforce the provisions of this section the officer or authority having command of the police force of said city shall detail from service at the polling place in any district of such city such force as the police board may deem necessary, and on every day of election shall have a special force in readiness for any emergency. The police authorities shall assign at least one policeman to duty in each district on every day of an election, and if necessary shall employ the necessary number of special policemen. During the receiving and counting of the ballots or registering of electors, no person shall in any manner hinder or delay any elector in reaching or leaving the place fixed for registration or casting his ballot.

Power and authority of registrars and inspectors to enforce good order.

In the discharge of their duties the inspectors of election may, if necessary, appoint and require any elector or electors to aid them in making known their order and enforcing the peace. The inspectors of election, or any of them, or any registrar, may order the arrest of any person violating this section, but such arrest shall not prevent such person from voting or registering if he is entitled so to do. The sheriff and all constables, policemen and officers of the peace, and all bystanders at any election, shall immediately obey and aid in enforcing any and every lawful order made by the inspectors or registrars at any election in execution of the provisions of this section. Any persons wilfully refusing or neglecting to perform any of the duties by this section prescribed shall be deemed guilty of a misdemeanor and shall be punished accordingly. No inspector shall count or enumerate the ballots in a manner different from that herein described.

Compensation of inspectors, clerks and gatekeepers.

SEC. 52. Each of the members of the board of inspectors and each clerk of election, shall be entitled to receive the sum of not exceeding eight dollars, and each gatekeeper the sum of not exceeding five dollars, which shall be in full for all services connected with said election, for services at the same and making the returns thereof, and it shall be unlawful for any inspector, or register, or clerk, or gate-keeper, to receive any greater sum, or for any member of the common council or city officer to vote or pay any greater compensation than is herein allowed, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor. The inspectors appointed to represent their district in the city board of canvassers shall be entitled to receive the sum respectively of eight dollars, and no more, in addition to their pay as members of the board of inspectors: *Provided*, That the members of the board appointed to make a recount of ballots as provided by law may receive the sum of four dollars for each day of eight hours in which they may be actually engaged in making such recount.

City clerk to furnish registrars and inspectors with copy of this chapter.

Vacancies.

SEC. 53. It shall be the duty of the city clerk to procure pamphlet copies of this chapter to be printed, and furnish one of them to each of said registrars and inspectors on acceptance of their respective offices. Any vacancies in the office of the present registrars shall be filled by appointment by the common council, and in the office of inspector by the electors as in like cases as herein provided.

Special elections.

SEC. 54. Special elections shall be conducted as near as may be in the same manner as general elections, but in such cases the returns of the inspectors shall be directed to and shall be opened and canvassed, and the result declared by the common council, which shall hold a session for that purpose on the Saturday next after election at two o'clock in the afternoon.

Ballot to designate when voted for to fill vacancy.

SEC. 55. If any person be voted for at an election to fill vacancy or residue of a term the ballot of the electors shall designate such vacancy or residue, and on the canvass of votes,

any person who has received a plurality of votes for any office shall be declared duly elected to such office.

SEC. 56. When two or more persons shall have an equal number of votes for the same office, the election shall be determined by the drawing of lots, in the presence of the common council. The name of each of such persons shall be written on separate slips of paper, and each slip deposited in a box, or other proper place, and the president of the common council shall draw out of said box, or other place, in the usual manner of determining by lot, one of said slips, and the person whose name is thereon shall be deemed entitled to hold the office for which he received said votes, in the same manner as other officers duly elected.

When votes for two or more persons shall be equal for the same office, the election shall be determined by drawing of lots.

SEC. 57. The mode of conducting all State, congressional and county elections in said city, shall be in the manner herein provided for the election of city officers, except that the returns thereof shall be made as herein provided, and the provisions of this act shall govern when applicable to such elections, notwithstanding the provisions of any general law, unless the same shall in terms be declared applicable to elections in said city. It shall be the duty of the election commissioners of the county to print all ballots intended for use in said city in the manner herein prescribed for elections of city officers.

Mode of conducting State, congressional and county elections.

SEC. 58. No person entitled to vote at any election, held under this act, shall be arrested on civil process within said city, on the day on which such election is held. When any time shall be mentioned in this act it shall be deemed to be local and not standard time, so called, unless otherwise specially provided.

No person entitled to vote shall be arrested on civil process within the city on the day of election.

SEC. 59. If at any registration of voters, or any meeting of the district board of registration, held for such purpose, or for revision thereof, as provided in this act, any person shall falsely personate an elector, or other person, and register or attempt to register in the name of such elector or other person; or if any person shall knowingly or fraudulently register, or offer, or attempt, or make application to register, in, or under the name of, any other person, or in, or under, a false, assumed or fictitious name, or in or under any name not his own; or shall knowingly or fraudulently register in two election districts; or have registered in one district, shall fraudulently attempt or offer or register in any election district not having a lawful right to register therein; or shall knowingly or willfully, or fraudulently, interfere with, hinder or delay any officer of registration in the discharge of his duties, or counsel, advise or induce, or attempt to induce any such officer to refuse or neglect to comply with or to perform his duties, or to violate any law prescribed for regulating the same; or shall aid, counsel, procure or advise any voter, person, inspector of election, or other officer of registration, to do any act by law forbidden, or in this act constituted an offense, or to omit to do any act by law directed to be done; every such person upon conviction thereof, shall be adjudged guilty of a felony,

Fraudulent registration.

Penalty for.

Falsely im-  
personating  
an elector.

and shall be punished by imprisonment in the Detroit House of Correction for not less than six months nor more than five years. If at any election hereafter held in such city any person shall falsely impersonate any elector or other person, and vote or attempt to, or offer to vote, in or upon the name of such elector or other person; or shall vote or attempt to vote in or upon the name of any other person, whether living or dead, or in or upon any name not his own; or shall knowingly, wilfully or fraudulently vote more than once for any candidate for the same office, except as authorized by law; or shall vote, or attempt to, or offer to vote in any election district, without having a lawful right to vote therein; or vote more than once, or vote in more than one election district, or having once voted shall vote or attempt to or offer to vote again; or shall by force, threat, menace, intimidation, bribery or reward, or offer or promise thereof, or otherwise unlawfully, either directly or indirectly, influence or attempt to influence any elector in giving his vote; or prevent or hinder, or attempt to prevent or hinder any qualified voter from freely exercising the right of suffrage; or shall knowingly, wilfully or fraudulently interfere with, delay or hinder in any manner, any inspector of election, clerk or other officer of election in the discharge of his duties. Every person shall, upon conviction thereof, be adjudged guilty of felony, and shall be punished for each and every such offense by imprisonment in the Detroit House of Correction for not less than six months nor more than five years.

Penalty.

Falsifying, de-  
stroying or re-  
moving of any  
record, regis-  
try, election  
list, etc.

SEC. 60. Every inspector of election, registrar, clerk or other officer, or person having the custody of any record, registry of voters, election list of voters, affidavit return or statement of votes, certificate, poll book, or of any paper, document or vote of any description, in this act directed to be made, filed or preserved, who is guilty of stealing, wilfully destroying, mutilating, defacing, falsifying or fraudulently removing or secreting the whole or any part thereof; or who shall fraudulently make any entry, erasure, or alteration therein, except as allowed and directed by the provisions of this act; or who permits any other person so to do, shall, upon conviction thereof, be punished for each and every such offense by imprisonment in the Detroit House of Correction for not less than six months nor more than five years.

Penalty for,

Perjury.

SEC. 61. Any person who shall be convicted of wilfully and corruptly swearing or affirming, in taking any oath or affirmation, prescribed by or upon any examination provided for in this act, shall be adjudged guilty of wilful and corrupt perjury, and shall be punished therefor as provided by and according to the laws of this State.

Approved June 4, 1895.

[ No. 469. ]

**AN ACT** to reincorporate the city of Muskegon, revise the charter of said city, and repeal all conflicting acts relating thereto.

**TITLE.**

- I. Incorporation and boundaries.
- II. Registration, electors and elections.
- III. Officers.
- IV. Qualifications, oath and bond of office.
- V. Resignations, removals and vacancies.
- VI. Duties and compensation of officers.
- VII. Powers and duties of the council.
- VIII. Ordinances and their enforcement.
- IX. Finance and taxation.
- X. Assessment and collection of taxes.
- XI. Special assessments.
- XII. Appropriation of private property.
- XIII. Sewers, drains and water courses.
- XIV. Streets, sidewalks and public grounds.
- XV. Issue of bonds.
- XVI. Board of public works.
- XVII. Miscellaneous.

**TITLE I.****INCORPORATION AND BOUNDARIES.**

**SECTION 1.** *The People of the State of Michigan enact,* Territory  
incorporated.  
That all the following tract and parcel of land situate in the county of Muskegon and State of Michigan, described as follows, to wit: Commencing at the quarter post between sections sixteen and seventeen, in town ten north, range sixteen west; thence south on section line to southeast corner of section twenty-nine in said town; thence west on section line to the northeast corner of the northwest quarter of the northwest quarter of section thirty-six, in town ten north of range seventeen west; thence south on half quarter or eighth line thirteen hundred and twenty feet; thence west on one-eighth line three hundred and eighty-five feet; thence south parallel with north and south one-eighth line nineteen hundred and eighty feet to south line of McGraft Park, so called; thence west along south line of said McGraft Park nine hundred and thirty-five feet to west line of said section thirty-six; thence south on section line to the southwest corner of said section thirty-six; thence west on section line to Lake Michigan; thence northwesterly along shore of Lake Michigan to center of Muskegon river or channel; thence northeasterly and easterly along center line of Muskegon river or channel and Muskegon lake to a point north thirty-two degrees west of the intersection of north line of section thirty-five, in town ten north, of range seventeen

west, with the shore of Lake Muskegon; thence northeasterly in a straight line to a point on west line of section seventeen, in town ten north of range sixteen west, eighty rods north of the southwest corner of said section seventeen; thence east on half quarter or eighth line to the north and south quarter line of said section seventeen; thence northeasterly to quarter post between sections sixteen and seventeen or place of beginning, including all lands in said boundaries, and the portion of said Muskegon lake or river included therein, be and is hereby set off from the township of Muskegon and the township of Lakeside, and declared to be a city, by the name of "The City of Muskegon," by which name it shall hereafter be known.

Body corporate  
and politic.

Name.

Process against  
the city to run in  
the corporate  
name thereof.

The city to be  
divided into  
wards.

First ward.

Second ward.

Third ward.

Fourth ward.

SEC. 2. The freemen of said city from time to time being inhabitants thereof, shall be and continue a body corporate and politic, to be known and distinguished by the name and style of "The City of Muskegon," and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of law and equity, and in all other places whatsoever, and shall have a common seal, which they may alter or change at pleasure, and by the same name shall be and are hereby made capable of purchasing and holding and disposing of any real and personal estate for said city. All process issued against said city shall run against said city in the corporate name thereof, and such process shall be served by leaving an attested copy of the same with the mayor, recorder or city attorney.

SEC. 3. The city shall be divided into eight wards as follows:

The first ward shall embrace all that portion of the city lying northerly of Ryerson creek.

The second ward shall embrace all that portion of said city lying southerly of Ryerson creek and northerly and easterly of a line described as follows: Beginning at the intersection of Rathborne street with Ryerson creek; thence southerly along Rathborne street to Myrtle street; thence southwesterly along Myrtle street to Fork street, thence southerly along Fork street to Apple street; thence east along Apple street to Wood avenue; thence south along Wood avenue to Laketon avenue.

The third ward shall embrace all that portion of said city bounded as follows: Beginning at the intersection of Western avenue with Ryerson creek; thence southwesterly along Western avenue to Pine street; thence southeasterly along Pine street to Irwin street; thence easterly along Irwin street to Wood avenue; thence north along Wood avenue to Apple street; thence west along Apple street to Fork street; thence northerly along Fork street to Myrtle street; thence northeasterly along Myrtle street to Rathborne street; thence northwesterly along Rathborne street to Ryerson creek; thence along Ryerson creek to place of beginning.

The fourth ward shall embrace all that portion of the city bounded as follows: On the easterly by a line described as follows: Beginning at the intersection of Walton street and



Pine street; thence northwesterly along Pine street to Western avenue; thence along Western avenue to Ryerson creek; thence along Ryerson creek and the dividing line between the mill property of Torrent and company and Ryerson, Hills and company, to city limits; on the southerly by a line described as follows: Beginning at the intersection of Pine street with Walton street; thence southwesterly along Walton street to Park street; thence west along Park street to Muskegon avenue; thence southwesterly along Muskegon avenue to Fourth street; on the westerly by a line described as follows: Beginning at the intersection of Fourth street with Muskegon avenue; thence northwesterly along Fourth street to Western avenue; thence southwesterly along Western avenue to the line between blocks three hundred twenty-six and three hundred twenty-seven; thence along said dividing line to the city limits; on the northerly by the city limits.

The fifth ward shall embrace all that portion of said city Fifth ward. bounded on the north by a line described as follows: Beginning at the intersection of Muskegon avenue with Fourth street; thence northeasterly along Muskegon avenue to Park street; thence east along Park street to Walton street; thence northeasterly along Walton street to Pine street; on the east by a line described as follows: Beginning at the intersection of Walton street and Pine street; thence southeasterly along Pine street to Irwin street; thence east along Irwin street to Wood avenue; thence south along Wood avenue to Laketon avenue; on the south by Laketon avenue; on the west by a line described as follows: Beginning at the intersection of Jefferson street with Laketon avenue; thence north along Jefferson street to Fourth street; thence northwesterly along Fourth street to Muskegon avenue.

The sixth ward shall embrace all that portion of said city Sixth ward. bounded on the east by a line described as follows: Beginning at the intersection of Laketon avenue with Jefferson street; thence north along Jefferson street to Fourth street; thence northwesterly along Fourth street to Western avenue; thence southwesterly along Western avenue to the dividing line between blocks three hundred twenty-six and three hundred twenty-seven; thence along said dividing line to the city limits; on the northwest by the city limits; on the west by a line described as follows: Beginning at the intersection of Glade street with Laketon avenue; thence north along Glade street to Houston avenue; thence northeasterly along Houston avenue to Ninth street; thence northwesterly along Ninth street to Western avenue; thence along Western avenue to the dividing line between blocks three hundred thirty and three hundred thirty-one; thence along said dividing line to the city limits.

The seventh ward shall embrace all that portion of said city Seventh ward. bounded as follows: Beginning at the intersection of Glade street with Laketon avenue; thence northerly along Glade street to Houston avenue; thence northeasterly along Houston avenue to Ninth street; thence northwesterly along Ninth

street to Western avenue; thence along Western avenue to the dividing line between blocks three hundred thirty and three hundred thirty-one; thence northwesterly along said dividing line to city limits; thence recommence at said point of beginning and run west on Laketon avenue to the northeast corner of the northwest quarter of the northwest quarter of section thirty-six in town ten north of range seventeen west; thence south on half quarter on eighth line thirteen hundred and twenty feet; thence west on one-half line three hundred and eighty-five feet; thence south parallel with north and south one-half line to the center of Ruddiman creek, so called; thence in a northwesterly direction along center of Ruddiman creek to Muskegon lake or city limits; thence northeasterly along line of city limits to the intersection with line between blocks three hundred thirty and three hundred thirty-one, if extended northwesterly to city limits.

Eighth ward.

The eighth ward shall embrace all that portion of said city lying west of the center of Ruddiman creek.

Each ward to be divided into voting precincts as the council shall determine by ordinance.

SEC. 4. Each ward shall be divided into such voting precincts as the council shall from time to time determine by ordinance.

## TITLE II.

### REGISTRATION, ELECTORS AND ELECTIONS.

Who to be electors.

SECTION 1. The inhabitants of the city of Muskegon, having the qualifications of electors under the constitution of the State of Michigan and no others, shall be electors therein.

Where elector shall vote.

SEC. 2. Every elector shall vote in the voting precinct where he shall have resided during the twenty days next preceding the day of election. The residence of any elector not being a householder shall be deemed to be where he lodges.

Board of registration.

SEC. 3. There shall be three competent electors of each voting precinct, not more than two of whom shall belong to the same political party, designated by the council, who shall constitute a board of registration for each of the voting precincts respectively. In case any member of such board shall be absent or unable to attend any meeting of such board, the other members of said board shall choose a competent elector of said voting precinct to act in his place, subject to the approval of the electors present, to be determined by a *viva voce* vote. Said board shall meet on the Saturday next preceding each election, at such place in the voting precinct as may be determined by the council, and shall remain in session from nine o'clock in the forenoon until nine o'clock in the afternoon for the purpose of completing the list of qualified electors. All proceedings relating to such registration shall be the same as those provided by law for townships, so far as they are not inconsistent with the provisions of this act. There shall be a new registration of the voters of the city of Muskegon on the Saturday next preceding the first Monday in April in the year eighteen hundred ninety-six, and each second year there-

New registration.

after, and of the voters of said city or any ward thereof at such other times as may be rendered necessary by a change in the boundaries of any of the voting precincts.

SEC. 4. A city election shall be held on the first Monday in April following the adoption of this charter, and on the first Monday in April of each year thereafter, at such places in the several voting precincts of the city as the council shall designate. City election, when held.

SEC. 5. Special elections may be held in and for the city or in and for any ward thereof, at such times and place or places as the council shall by resolution designate, the purpose and object of which shall be fully set forth in said resolution. Special elections.

SEC. 6. Whenever a special election is to be held, the council shall cause to be delivered to the inspectors of election in each voting precinct where the same is to be held, a notice signed by the recorder specifying the officer or officers to be chosen, and the question or proposition, if any, to be submitted to the electors, and the day and places at which such election is to be held; the manner of holding the election shall be the same as at the annual city election. Notice of election to be given to inspectors and officers to be elected, etc.

SEC. 7. Notice of the time and place of holding any election, and of the officers to be elected, and the questions to be voted upon, shall be given by the recorder at least ten days before such election by posting such notices in three public places in each voting precinct in which the election is to be held. In case of a special election, the notice shall set forth the purpose and object of said election as fully as the same are required to be set forth in the resolution calling such election. Notice of time and place of holding election.

SEC. 8. The council shall provide and cause to be kept by the recorder, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships. In case of special election.

SEC. 9. On the day of elections held by virtue of this act, the polls shall be open in each voting precinct at the several places designated by the council at eight o'clock in the morning, and shall be kept open until five o'clock in the afternoon, at which hour they shall be closed. The inspectors shall cause proclamation to be made of the opening and closing of the polls. Council to provide ballot boxes.

SEC. 10. Three competent electors, to be designated by the council, not more than two of whom shall belong to the same political party, shall be inspectors of election in each voting precinct, and of the State, county and district election. And in case of the absence of one or more of such inspectors, the electors present shall choose *viva voce* from their number one or more competent persons, who shall be an elector or electors of such voting precinct, not being members of the same political party, to fill such vacancy or vacancies, to whom shall be administered the constitutional oath of office by either of said inspectors or by any person authorized to administer oaths. Polls, time of opening and closing.

SEC. 11. The inspectors shall elect one of their number chairman of said board, and one of their number clerk of said board, and they may appoint one other competent elector to Inspectors of election.

Compensation.

act as clerk also of said board. Members and clerks of the board of registration and the inspectors and clerks of election shall each receive such compensation for their services as the council shall allow: *Provided*, That members and clerks of the board of registration shall not receive to exceed the sum of five dollars each for each registration, and that inspectors and clerks of election shall not receive to exceed the sum of eight dollars each for each election.

No member shall act until he has taken the oath of office.

SEC. 12. No person shall act as a member of the board of registration, inspector of election, or clerk of either of said boards until he shall have taken the constitutional oath of office.

General law to govern.

SEC. 13. All registration and elections under this act shall be conducted, controlled and governed by the general laws of the State except as herein otherwise provided.

Canvass of votes.

SEC. 14. Immediately after closing the polls, the inspectors of election shall, without adjournment or recess, publicly canvass the vote received by them and publicly declare the result, and shall at once, without adjournment or recess make one certificate of the number of votes given for each person for the several offices in and for said city, and also one certificate of the number of votes cast for the several ward officers, together with a statement and certificate, in duplicate, setting forth the whole number of votes cast for any other office, or on any other question voted upon at such election, which certificates and statements shall be immediately filed in the office of the recorder of said city, together with the poll lists and the register of electors, and the boxes containing said ballots: *Provided, however*, That a duplicate of the statements and certificates last above mentioned shall at the same time be filed in the office of the county clerk of said county.

Manner of canvassing votes.

SEC. 15. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this State, and the inspectors shall in all other respects, except as herein otherwise provided, conform to the duties required of inspectors of elections at such general elections.

Council to convene and canvass returns.

SEC. 16. The council shall convene on Thursday next succeeding such election, at the usual hour and place of meeting, and proceed and canvass said returns, and from the statements and certificates so filed with the recorder shall determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at said election to the several offices respectively within and for said city, and the wards thereof. Thereupon the recorder shall make duplicate certificate under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon and what persons were declared elected to the several offices respectively, one of which certificates he shall file in the office of the county clerk of the county of Muskegon, and the other shall be filed in the office of the city recorder.

Recorder to make duplicate certificates, what to show.

Where to be filed.

SEC. 17. The person receiving the greatest number of votes for any office in the city or ward as shown by said statements and certificates shall be deemed to have been duly elected; and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section determine by lot between such persons, which shall be considered elected to such office. Who shall be declared elected.

SEC. 18. It shall be the duty of the recorder within five days after the meeting and determination of the council as provided above, to notify each person elected in writing of his election; and each of said officers so elected and notified, shall within ten days after such notice take and subscribe the constitutional oath of office and deliver the same to the said recorder who shall file the same in his office. Recorder to notify each person elected.

### TITLE III.

#### OFFICERS.

SECTION 1. The officers of said city shall be one mayor, one treasurer, one recorder, one assessor, four justices of the peace, who shall be designated city officers, and shall be elected by the qualified voters of the whole city; also two aldermen, one supervisor and one constable in each ward, who shall be designated ward officers and shall be elected by the qualified voters of the respective wards. Said officers shall be elected as follows, viz.: The mayor, treasurer, supervisors and constables shall be elected annually and shall hold their offices one year and until their successors shall be elected and qualified. The recorder, assessor and aldermen shall be elected biennially and shall hold their respective offices for two years and until their successors shall be elected and qualified. At each annual election, there shall be elected one justice of the peace, and such number of justices of the peace as shall be necessary to fill vacancies then existing. But no person elected to fill a vacancy shall hold any office provided for in this act for a longer time than during such unexpired term, unless again elected. City officers. Ward officers. Term of office.

SEC. 2. The following officers shall be appointed by the council on the nomination of the mayor, as provided in section twenty-three of title seven of this act, viz.: One city attorney, one city accountant, one police justice, one harbormaster, one city surveyor, one director of the poor, one poundmaster, one sealer of weights and measures, two commissioners of the board of public works and may appoint two directors of the poor. The council may also from time to time provide by ordinance for the appointment of such other officers, for such term as may be provided in the ordinance, whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act; the officers last aforesaid shall be appointed, and may Appointed officers.

be suspended and removed as provided in section twenty-three, title seven, of this act. The powers, duties and compensation of all officers appointed under such ordinance, not otherwise provided for in this act, shall be prescribed by such ordinance.

Justices and aldermen and other officers elected or appointed under the former act of incorporation to continue.

First election.

SEC. 3. All justices of the peace, aldermen and other officers elected or appointed, under the former act of incorporation of the city, shall continue in office for the term for which they were severally elected or appointed. At the first election under this act such number of justices of the peace and aldermen only shall be elected as with those continuing in office as aforesaid shall make the requisite number of those officers required by this act, and the terms of the justices and aldermen first elected as aforesaid, shall be so arranged that one justice of the peace of the city, and one alderman for each ward shall be elected annually thereafter.

Present assessor to continue; assessor, when to be elected.

SEC. 4. The city assessor elected at the general election in November, eighteen hundred ninety-four, shall hold his office until the first day of January, eighteen hundred ninety-seven. At the general election in November, one thousand eight hundred and ninety-six, and at the general fall election every two years thereafter, an assessor shall be elected in and for said city, and shall hold his office for the term of two years from the first day of January after said election.

Term of appointive officers.

SEC. 5. The term of office of all officers nominated by the mayor and confirmed by the council, except officers appointed to fill vacancies, shall be for the period of one year, from the first day of May of the year in which such appointment is made, unless a different term of office shall be provided in this act or in the ordinance creating the office. Officers appointed to fill vacancies in any office shall hold said office for the balance of the unexpired term only.

Justice of the peace, when to enter on the duty of their office.

SEC. 6. The justices of the peace elected for the full term of four years shall enter upon the duties of their office on the fourth day of July next after the election. In all cases, not herein otherwise provided, officers shall respectively enter upon the duties of their office, immediately upon taking the oath of office, and giving the security, if any, required for the performance of their duties.

#### TITLE IV.

##### QUALIFICATIONS, OATH AND BOND OF OFFICE.

Qualifications for election or appointment to office.

SECTION 1. No person shall be elected or appointed to any office, unless he be an elector of the city, and if elected or appointed for a ward must be an elector thereof.

To take and file oath of office.

SEC. 2. Justices of the peace shall take and file an oath of office with the county clerk of Muskegon county, within the same time and in the same manner as in case of justices of the peace, elected in townships. All other officers, elected or appointed to any [office] officer in the city shall, within ten days after receiving notice of their election or appointment,

take and subscribe the constitutional oath of office, and file the same with the recorder.

★ SEC. 3. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk the security for the performance of his official duties, required by law, in case of justices of the peace, elected in townships, except that such security shall be first approved by the council; and in case such justice shall enter upon the execution of his office, before having filed his official oath and the security aforesaid, he shall be liable to the same penalties as are provided in case of justices of the peace, elected in townships.

Justices to file security.

SEC. 4. Every officer, elected or appointed to an office in the city, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the city recorder such bond as may be required by the council and with such sureties as shall be approved by the council, for the due performance of the duties of his office, and to duly account for such property and money as shall come into his hands, by virtue of his office: *Provided*, That the bond of the city recorder shall be deposited with the city treasurer.

To file bonds.

Provide.

SEC. 5. At the first meeting of the council after the expiration of the time in which any official bond or oath of office is required to be filed, the recorder shall report in writing to the council the names of persons elected or appointed to office, who have neglected to file such oath and bond.

At the first meeting of the council, recorder to report names of persons neglecting to file oath and bond.

SEC. 6. The council may at any time require any officer, whether elected or appointed, to execute and file as above provided new or additional bonds in the same or in such further sums, with new and such further security as said council may deem proper for the interests of the city. A failure to comply with such requirement shall subject such officer to immediate removal by the council.

Council may require new and additional bonds to be filed.

Failure to comply shall subject officer to removal.

## TITLE V.

### RESIGNATIONS, REMOVALS AND VACANCIES.

SECTION 1. Resignations of elective officers and officers appointed by the council shall be made to the council, subject to its approval and acceptance. Resignation of officers appointed by the board of public works shall be made to said board, subject to its approval and acceptance.

Resignations.

SEC. 2. If any officer shall cease to be a resident of the city, or if elected or appointed in and for a ward shall remove therefrom during his term of office, the office shall thereby be vacated.

Offices, when vacated.

SEC. 3. If any person elected to or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council

Failure to file oath of office or give bonds, council may declare the office vacant.

oil may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security.

Vacancy in office of mayor or alderman, when to be filled by special election. Alderman and justices, when filled at the next election. Vacancies in other offices.

SEC. 4. A vacancy in the office of mayor, or any alderman, occurring more than ninety days before any city election may be filled by a special election. A vacancy in the office of alderman or justice of the peace occurring within ninety days before an annual election, shall be filled at the next annual city election. Vacancies in any other office shall be filled by appointment, as in this act provided, within twenty days after the vacancy occurs, or if the vacancy be in an elective office, it may be filled by an election or an appointment, in the direction of the council.

Resignation or removal not to release sureties.

SEC. 5. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office release such officer or his sureties from any liability incurred by him or them.

To deliver over all books and money, paper, etc.

SEC. 6. Whenever any officer shall resign or be removed, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor, all the books, papers, moneys and effects in his custody, in any manner appertaining to his office. Every officer, appointive or elective, violating the provisions of this section, shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally, for like offenses, under the general laws of the State.

Violation a misdemeanor.

## TITLE VI.

### DUTIES AND COMPENSATION OF OFFICERS.

#### MAYOR.

Mayor chief executive. To preside at meetings of council.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council, and shall be *ex officio* president of the board of public works, and shall preside at the meetings of said board, and shall from time to time give the council and said board information concerning the affairs of the city, and recommend such measure as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws relating to the city and the ordinance and regulations of the council are enforced. He shall be *ex officio* a member of the board of supervisors of Muskegon county, and shall have the same powers, perform the same duties and receive the same compensation as township supervisors.

Ex officio member of the board of supervisors.

Conservator of the peace.

SEC. 2. The mayor shall be conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances of such city, and to suppress riot and disorderly conduct.



SEC. 3. He may suspend any officer nominated by him and confirmed by the council at any time for neglect of duty or improper conduct, and may suspend any policeman for like cause. He shall have authority at all times to examine and inspect the books, records and papers of any agent, employe or officer of the city, and shall perform all such duties as are or may be prescribed by the ordinances of the city.

May suspend any officer for neglect of duty.

Inspect books, etc.

SEC. 4. In the absence or disability of the mayor, or in case of any vacancy in his office, the president *pro tempore* of the council shall be the acting mayor, and shall have the same powers and perform the same duties as are conferred upon the mayor: *Provided*, That said president *pro tempore* shall make no nomination to office during the temporary absence of the mayor from the city, unless such absence exceed a period of twenty days.

President *pro temp.*, duties, power, etc.

*Provided*.

#### ALDERMEN.

SEC. 5. The aldermen of said city shall be members of the council, and conservators of the peace. No alderman shall be elected to any other office in said city, except mayor, during the term for which he was elected alderman, nor appointed to any other office in the city within one year thereafter.

Aldermen to be members of council and conservators of the peace.

#### RECORDER.

SEC. 6. The recorder shall keep the corporate seal and all the documents, official bonds, papers, files and records of the city, not by this act or the ordinances of the city entrusted to some other board or officer. He shall be clerk of the council, clerk of the board of public works, and clerk of all committees of both said bodies, and clerk of the board of review. He shall countersign and register all licenses granted. He shall possess and exercise the powers of township clerks and he shall have all the powers within the city conferred by law on notaries public. All claims against the corporation shall be filed with him for adjustment. He shall draw and sign all warrants on the city treasurer, designating thereon from which fund payment is to be made, and shall take proper receipts therefor. When any tax or money shall be levied, raised or appropriated, the recorder shall report the amount to the city treasurer, stating the objects and fund for which it is levied, raised or appropriated, and the amount thereof to be credited to each fund.

Recorder, power and duty of.

SEC. 7. He shall have charge of all books, vouchers and documents, relating to the accounts, contracts, debts and revenues of the city, unless in this act otherwise provided. He shall countersign all bonds issued, and perform such other duties pertaining to his office as the council may require. His term of office shall commence on the first day of May succeeding his election.

To have charge of all books, documents, etc.

To sign all bonds.

Term of office, when to commence.

## CITY ACCOUNTANT.

City accountant,  
duty of.

**SEC. 8.** It shall be the duty of the city accountant to keep the financial accounts of the city, to countersign all orders upon the treasury. He shall keep a record of all bonds issued by the city, with the number, amount and dates, when issued, when payable, and all coupons attached thereto, and shall keep an account, in proper books, of all such bonds, and bonded indebtedness for the information of the council. He shall also, in like manner, keep an account of all funds, taxes, assessments, receipts and expenditures, and shall report to the council at the first regular meeting in each month, the condition of the several funds of said city, and shall at the last regular meeting of the council in the month of March in each year, make out and present a full statement and balance sheet of the financial accounts of the city, with such recommendations and explanations as may be proper to add thereto. He shall keep a complete set of books showing the financial condition of said city, in its various departments and funds, its resources and liabilities, with proper classification thereof, of each fund or appropriation for any distinct object or expenditure, or class of expenditure. When any such fund or appropriation has been exhausted, by warrants already drawn thereon, or by appropriation, he shall report at once such fact to the council, and shall thereafter countersign no warrants on any such fund while so exhausted. He shall open an account with the city treasurer, in which he shall charge said treasurer with the whole amount of taxes, special or general, levied in said city, and placed in his hands for collection, all sums received for licenses, rents and all other moneys which may be paid into the city treasury, and all bonds, coupons, notes, leases, mortgages, interest and bills receivable, by said city of whatever nature, and shall in connection with the city treasurer and recorder check and balance the several books of account of said city on the first of each and every month. Immediately upon entering upon the duties of his office, he shall make a complete inventory of all the property of said city, and shall charge all other officers of the city with all funds, moneys and property placed or being in their possession, and shall require settlement with such officers at least once in each year, and as much oftener, not to exceed once in each month, as [he] may deem the interests of the city and the safety of its property may require. He shall give said treasurer and all other officers credit for all moneys disbursed, upon showing proper vouchers and for all property consumed, expended and destroyed by ordinary wear and use, and not otherwise. He shall levy and spread the taxes as in this act provided. He shall have a seat in the council, shall attend the meetings thereof, and may speak upon all matters that come before it, relating to the duties of his office, and may serve upon committees thereof, but shall have no vote in said council. He shall also, on or before the first day of June, in each year, submit to the council a detailed statement of the amounts of

To make full report to council, time of.  
To keep a set of books, what to show.

To open an account with city treasurer.

To make inventory of all property, funds, etc.

He shall give treasurer and other officers credit for moneys disbursed.

To submit to council amount to be raised for all city purposes.

money, which in his opinion it will be necessary to raise by taxation for all city purposes for the ensuing year. He shall perform such other duties pertaining to his office as the council may require.

SEC. 9. In case of the death, absence from the city, disqualification or inability to act, of said accountant, the mayor shall, in writing, appoint a competent and suitable person as acting accountant, who shall perform all the duties of said office, and receive the same compensation, during the absence, disqualification or inability to act, of said accountant, or until said vacancy is filled in the manner prescribed by this act.

In case of death, disqualification, or absence, mayor to appoint acting accountant.

#### CITY TREASURER.

SEC. 10. The city treasurer shall be, by virtue of his office, the collector of all taxes and assessments, both general and special, levied and made within said city, and of all moneys for the use of the city water and support of the water department. He shall be receiver and custodian of all moneys paid to or belonging to said city for any purpose whatever.

Treasurer to collect taxes.

To be custodian of all moneys belonging to the city.

SEC. 11. He shall keep an accurate account, under proper heads, of all moneys received, and all warrants paid by him. He shall exhibit to the council at its last regular meeting in March of each year, and at such other times as the council shall require, a full and true account of the receipts and expenditures from and after the date of the last annual report, and also the state of the treasury, which account shall be left to a committee for examination, and if found correct shall be filed.

To keep an accurate account of all moneys received and warrants paid.

To make annual financial exhibit.

SEC. 12. The treasurer shall pay no money out of the treasury, except in pursuance of and by authority of law, and upon warrants signed by the recorder and countersigned by the mayor or acting mayor and accountant, and shall pay no warrants on any fund after the same has been exhausted.

To pay no money except on warrant properly signed.

SEC. 13. All funds of the city, [collected] collector or received by him, shall be deposited in such bank or banks within the city as shall be designated by the council. The bank so designated shall give security to be approved by the council for the safe keeping and repayment, upon proper warrants, signed and countersigned as above provided. The council may require additional security from said bank at any time, or may revoke said designation, when in its opinion the interests of the city and the safety of its funds shall require it. All moneys so deposited shall at all times be subject to withdrawal upon warrants, signed and countersigned as above provided. The interest upon such deposits shall be paid into the city treasury and credited to the contingent fund of said city. His term of office shall commence on the first day of May succeeding his election.

All money to be deposited in banks designated by council.

Bank to give security approved by council.

Moneys so deposited shall be subject to withdrawal at all times. Interest to be paid into city treasury.

Term of office, when to commence.

## CHIEF OF POLICE.

Chief of police  
to be subject to  
direction of  
board of public  
works and  
mayor.  
Duty of.

Power as peace  
officer.

To suppress all  
riots, etc.

To arrest on  
view with or  
without  
process.

To report in  
writing all  
arrests made  
and cause  
thereof, etc.

All moneys  
received to be  
paid into the  
city treasury.

May collect and  
receive the same  
fees for services  
as constables.

City attorney to  
be legal adviser  
of the council.

SEC. 14. The chief of police shall be subject to the direction of the board of public works, as in this act provided; he shall likewise be subject to the directions of the mayor. It shall be his duty to see that all ordinance and regulations of the council made for the preservation of quiet, good order and for the safety and protection of the inhabitants of the city, are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him in all proceedings for violations of the ordinances of the city; and such process may be served anywhere within the State.

SEC. 15. He shall suppress all riots, disturbances and breaches of the peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the corporation and pursue and arrest, in any part of this State, any person fleeing from justice. He shall arrest upon view and with or without process any person found in the act of committing any offense against the laws of the State, or the ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial, and may arrest and imprison persons found drunk in the streets, until they shall become sober.

SEC. 16. He shall report in writing and on oath to the council at its first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month, also the number remaining in confinement for breaches of the ordinances of the city, and the amount of all fees collected by him. All moneys received or collected by him shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the city accountant. In addition, he shall perform such other and further duties pertaining to his office as the council or board of public works may require.

SEC. 17. He may collect and receive the same fees for services performed by him as are allowed to constables for like services, but in no case shall such fees be charged to or be paid by the city, and the same shall be paid into the city treasury as above provided.

## CITY ATTORNEY.

SEC. 18. The city attorney, in addition to other duties prescribed in this act, shall be the legal adviser of the council and of all officers and boards of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute for offenses against the ordinances of said city.

## CITY SURVEYOR.

SEC. 19. The city surveyor shall have and exercise within the city like powers and duties as are conferred by law upon county surveyors, and the like effect and validity shall be given to his official acts, surveys and plats as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications required by the council, board of public works or officers of said city, relating to public improvements, buildings, grounds, streets and alleys of said city, and shall perform such other duties as the council may by resolution prescribe or the board of public works may direct. He may, subject to the approval of the council, appoint such assistants as the duties of his office may require. The compensation of said surveyor and his assistants shall be fixed by the council.

Powers and duty of surveyor.

Compensation to be fixed by council.

## CONSTABLES.

SEC. 20. The constables of said city shall have the like duties, powers and authority in matters of civil and criminal nature, as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall perform the same duties and have like powers in all cases arising under ordinances of the city as in criminal cases, and be entitled to the same fees. They shall obey all lawful orders of the mayor, aldermen, board of public works, and chief of police, and of any court of justice, or justice of the peace, exercising jurisdiction in causes for breaches of the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution or regulation of the council.

Constables, duty and power of.

## ASSESSOR.

SEC. 21. The assessor of said city shall have the same powers and authority, and shall perform the same duties as are granted to and imposed upon the supervisors of townships in this State, with reference to the assessment of property, and not inconsistent with the provisions of this act. He shall have an office at the city hall. He shall be a member of the board of review and shall have a vote upon all questions arising before said board, and shall be a member of the board of supervisors of Muskegon county, and shall exercise the same privileges and perform the same duties as other members of said board, and receive the same compensation. The city surveyor, assessor and one alderman of the city, to be designated by the council, shall constitute a board of assessors, and shall make such special assessments in said city as the council shall direct. The assessor, city accountant and recorder of said city shall perform such duties, in the making of lists of persons to serve as grand and petit jurors for each year, as are now required by law, of supervisors and clerks of townships.

Assessor, power and duty of.

To have an office in the city hall. Shall be a member of the board of review.

Who to make list for grand jurors, etc.

## SUPERVISORS.

Power and duty  
of supervisors.

SEC. 22. The supervisors of said city shall have the same powers and authority and shall perform the same duties as the supervisors of townships, except the assessing of property and the spreading of taxes. They shall be members of the board of supervisors of Muskegon county, and shall perform as supervisors such duties as by this act shall be required of them.

## DIRECTORS OF THE POOR.

Director of the  
poor, duty of.

SEC. 23. The directors of the poor of said city shall discharge the duties of overseers of the poor therein, and shall have the custody of all paupers residing therein, except county paupers, and shall also have the disbursement of all moneys raised in said city for the support of paupers therein, except moneys raised for the support of county paupers, under such regulations as the council may provide. The directors of the poor shall have the custody of the almshouse and all other property belonging to or used by said city for the support of the paupers therein.

To have custody  
of the almshouse, etc.

## JUSTICES OF THE PEACE.

Jurisdiction of  
justices of the  
peace.

SEC. 24. The justices of the peace of said city shall have and exercise therein the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties as are or may be conferred upon or required of justices of the peace by the general laws of this State, except as herein otherwise provided. They shall have jurisdiction to hear, try and determine any civil action, within the limitations as to amount and nature of action fixed by the general laws of the State, where either of the parties to said action reside in the county of Muskegon.

May be suspended or removed  
for neglect or refusal to pay  
over fines, etc.

SEC. 25. Any justice of the peace may be suspended or removed from his office by the circuit court for the county of Muskegon for neglect or refusal to pay over any fines, moneys, penalties or forfeits collected by him, or for any official misconduct, on charges specially preferred by the council, a copy of which charges shall be served upon said justice in such manner as the circuit court shall direct; an opportunity shall be given such justice to be heard in his defense.

## POLICE JUSTICE.

Who to be police  
justice.

SEC. 26. The police justice shall be one of the justices of the peace of said city, whose term of office will not expire during the year for which he shall be appointed.

Exclusive jurisdiction.

SEC. 27. He shall, except in case of absence or inability to act, have exclusive jurisdiction to hear, try and determine all prosecutions for the violation of the ordinances of said city and for the recovery of any fines, penalties or forfeitures thereunder.

SEC. 28. In case of sickness, or absence from the city, or other inability to discharge the duties of his office, or during any vacancy in said office, any justice of the peace shall be competent to discharge the duties of said office. In case of sickness or absence.

SEC. 29. All fines, penalties or forfeitures, which may be recovered by the city in any justice or police court in prosecutions for the violation of city ordinances shall be paid by such justice or police justice into the city treasury on or before the expiration of the last day of the calendar month during which said fine, penalty or forfeiture was collected; and the said police justice, or acting police justice shall make monthly reports to the council of his doings in the premises. All fines, etc., to be paid into the city treasury.

#### COMPENSATION.

SEC. 30. The officers of said corporation shall be entitled to receive out of the city treasury the following sums in full payment of their services: The mayor shall be entitled to receive an annual salary of one hundred dollars. The recorder shall receive such sum as the council may allow, not exceeding twelve hundred dollars per annum, which sum shall be in full compensation for all services performed by him as such recorder; and he shall collect and pay into the city treasury all fees provided by law for the filing of papers and other services rendered in his office. The city accountant shall receive such sum as the council may allow, not exceeding twelve hundred dollars per annum. The city attorney shall receive such sum as the council may allow, not exceeding one thousand dollars per annum. The chief of police shall receive such compensation as the council may allow, not exceeding the sum of one thousand dollars per annum, which shall be in full for all services rendered by him. The assessor shall receive such compensation as the council may allow, not exceeding fifteen hundred dollars per annum. The treasurer shall receive as compensation for all services rendered by him, such compensation as the council may allow, not exceeding the sum of two thousand dollars per annum. He shall collect such fees as are allowed by law to township treasurers, except as in this act otherwise provided, which fees shall belong to said city, and shall be paid into its treasury as in this act provided. The police justice shall receive such compensation as the council may allow, not exceeding the sum of six hundred dollars per annum. Said sum shall be in full compensation for all services rendered by him as police justice; and he shall collect such fees as are by law provided for and allowed to justices of the peace, which fees shall belong to said city and shall be paid into its treasury as in this act provided. Supervisors, justices of the peace and constables shall be allowed the same fees as are by law allowed to like officers of townships, unless in this act otherwise provided. The directors of the poor shall receive such sums as the council shall allow, not exceeding thirty dollars per month each: *Provided*, One only is appointed, he shall receive not exceeding forty dollars per

Compensation.  
Mayor.  
Recorder.  
City accountant.  
City attorney.  
Chief of police.  
Assessor.  
Treasurer.  
Police justice.  
Supervisors, justices of the peace and constables.  
Directors of the poor.  
Proviso.

<b>Aldermen.</b>	month. The aldermen shall not be allowed to receive more than one hundred dollars each in any year, as compensation for their services. The council shall determine the fees and salary of all officers, elective or appointive, provided for in this act, whose fees or salary is not herein otherwise provided.
<b>Salary of officers not provided for in this act.</b>	The salary of any officer of said city shall not be decreased during the term of office for which he is appointed or elected; nor shall the salary of any officer be increased during his term of office, except by a two-thirds vote of all the aldermen elect.
<b>Salary not to be decreased during term of office.</b>	
<b>Nor increased except on two-thirds vote.</b>	

## TITLE VII.

### POWERS AND DUTIES OF THE COMMON COUNCIL.

<b>Common council, who to constitute.</b>	<b>SECTION 1.</b> The mayor and aldermen of said city shall constitute the council. The mayor shall be president of the council, and preside at its meetings. He shall have the right to vote upon the confirmation of his own appointments, but shall have no other vote therein, except in case of a tie, when he shall have the casting vote.
<b>President of.</b>	<b>SEC. 2.</b> At the first regular meeting in May in each year the council shall appoint one of its number president <i>pro tempore</i> , who, in the absence of the mayor, shall preside at the meetings thereof and exercise the powers and duties of mayor. He shall have a vote upon all questions, but shall have no power to make nominations to fill any office, except as provided in section four of title six of this act. In the absence of the mayor and the president <i>pro tem</i> , the council shall appoint one of its number to preside; and for the time being he shall exercise the powers and perform the duties of the president <i>pro tem</i> .
<b>Right to vote.</b>	
<b>To appoint a president pro tempore.</b>	<b>SEC. 3.</b> The recorder shall be clerk of the council, but shall have no vote therein. In the absence of the recorder the council shall appoint one of its number to perform the duties of the office for the time being.
<b>In the absence of mayor and president pro tempore, who may preside.</b>	<b>SEC. 4.</b> Each alderman shall be entitled to a vote in all the proceedings of the council, and are required to attend all its meetings and to serve on committees.
<b>Olerk of council.</b>	<b>SEC. 5.</b> The council shall be judge of the election returns and qualifications of its own members. It shall hold regular stated meetings for the transaction of business at such times and places within the city as it shall prescribe. The mayor or any five members of the council may appoint special meetings thereof, notice of which in writing shall be given to each alderman, or be left at his place of residence at least two hours before the meeting.
<b>Aldermen required to attend all meetings, serve on committees, etc. Council to be judge of election returns and qualifications of its members.</b>	<b>SEC. 6.</b> The sessions of the council shall be public, except when the public interest shall, in the opinion of the council, require secrecy. A majority of the aldermen elect shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by rule
<b>To hold regular stated meetings.</b>	
<b>Special meetings.</b>	
<b>Sessions to be public.</b>	
<b>Quorum.</b>	



or ordinance. No vote, motion or resolution, except motions to adjourn or to refer to committees, shall pass, unless by a concurring vote of a majority of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated, salary or compensation fixed, except by ordinance or resolution of the council, nor shall any resolution authorizing the expenditure of money be passed or adopted except by a vote of a majority of all the aldermen elect. No vote, motion or resolution passed by the council shall have any force or effect if, within twenty-four hours after its passage, the mayor or other officer legally discharging the duties of mayor shall lodge in the office of the recorder his reasons in writing, why the same should not go into effect, and the same shall not go into effect, or have any legal operation, unless it shall, at a subsequent meeting of the council, be passed by a vote of two-thirds of all the aldermen elect, and if so repassed shall go into effect according to the terms thereof. The power of the mayor to veto any vote, motion or resolution, passed by said council, as in this section provided, shall not only apply to the vetoing of the entire of any such ordinance, vote, motion or resolution, but shall in like manner apply to any separable or distinct part thereof.

No money shall be appropriated or salary fixed except by ordinance or resolution, etc.  
Veto.

SEC. 7. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes, except upon motions to adjourn and to refer any matter or petition to a committee, shall be taken by yeas and nays, and be so entered upon the journal as to show the names of those voting in the affirmative and those voting in the negative; and within one week after the meeting of the council, a brief abstract of the proceedings taken thereat shall be published, in such of the newspapers of the city as the council shall direct.

Council to prescribe the rules of its own proceedings.  
Vote to be by yeas and nays.

SEC. 8. The council may compel the attendance of its members, and other officers of the city at its meetings, in such manner, and may enforce such fines for non-attendance as may by ordinance or rule be prescribed; and may by ordinance or rule prescribe punishment for any misbehavior, contemptuous or disorderly conduct, by any member or person present at any session of the council.

Council may compel attendance of its members and other officers.

SEC. 9. The city attorney, chief of police, city accountant, city surveyor and engineer, and such members of the board of public works as are authorized by such board, shall have seats in the council and may take part in all the proceedings relating to their respective departments, but without the right to vote.

Who to have seats in the council.

SEC. 10. The council shall have control of the finances and of all the property, real and personal, of the city corporation, except as may be otherwise provided by law.

Council to have control of finances and property, etc.

SEC. 11. Whenever by this act or by any other provision of law, any power or authority is vested in or duty imposed upon the corporation or council, the council may enact such appro-

Ordinances may be enacted.

priate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duties.

Standing  
committees.

SEC. 12. The council may provide by ordinance or resolution for the appointment of its standing committees, who shall perform such duties, investigate, have charge of and report upon such matters as may be referred to them. Such committees shall be appointed by the mayor.

Not to receive  
compensation  
except as herein  
provided.

SEC. 13. No member of the council or alderman shall receive any compensation for his services, either as councilman, alderman or otherwise, except as herein provided.

Not to be  
appointed or  
hold office or  
interested in  
any contract,  
etc.

SEC. 14. No member of the council, during the term for which he is elected, shall be appointed to or be competent to hold any office, the emoluments of which are paid out of the city treasury, or paid in compliance with any resolution or ordinance of the council; or be directly or indirectly interested in the sale to or purchase from the city of any property, or be directly or indirectly interested in any contract as principal, surety or otherwise, the expense or consideration whereof is paid under any ordinance or resolution of the council; and no other officer of said city shall be interested, directly or indirectly, in the purchase or sale of such property or in such contract. Any person who shall violate any of the provisions of this section shall, on conviction thereof, be punished by imprisonment in the State prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

Penalty for  
violation.

Council may  
remove by a  
two-thirds  
vote.

Charges in  
writing.

SEC. 15. The council may remove any officer, elected or appointed, by a concurring vote of two-thirds of all the aldermen elect. No removal of such officer shall be made, unless a charge in writing is preferred, and an opportunity given to make a defense thereto. The council shall make provision by rule or ordinance for preferring charges and trying the same.

How to investi-  
gate charges.

SEC. 16. To enable the council to investigate charges against any officer, or such other matters as it may deem proper to investigate, the mayor or any justice of the peace of the city is empowered, at the request of the council or a committee thereof having the matter in charge, to issue subpoenas or process by attachment, to compel the attendance of persons, and the production of books and papers before the council or any committee thereof.

Attendance of  
witnesses.

SEC. 17. Whenever the council or any committee thereof is authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or chairman of such committee for the time being shall have power to administer the necessary oaths, and such council or committee shall have the same power to compel witnesses to testify as is conferred on justices of the peace.

No person shall  
be elected or  
appointed to  
office who is  
a defaulter.

SEC. 18. No person shall be elected or appointed to any office created by this act, who is now or may hereafter be a defaulter in any official position, and if any person holding

any such office shall become a defaulter while in office, the said office shall thereby become vacant.

SEC. 19. The council shall audit and allow all claims and accounts chargeable against the city, but no account or claim on contract shall be allowed, unless it shall be accompanied with an affidavit of the person rendering it, to the effect that he verily believes that the services or property therein charged for have been actually performed or delivered to the city, that the sums charged therefor are reasonable and just, that to the best of his knowledge and belief no set-off exists or payment has been made on account thereof, except such as are endorsed thereon or referred to in such account or claim. Every such account shall exhibit in detail all the items making up the amount claimed and the true date of each.

Claims and accounts.

SEC. 20. No claim against said city for damages growing out of the negligence or default of said city, or of any officer or employe thereof, shall be audited or allowed, unless it shall be accompanied with an affidavit of the person sustaining such damages, stating the time and place at which, and the cause and manner of sustaining such damage, and the facts connected therewith, and the witnesses, if any, present when such damage or injury was received or sustained, and in all claims for damages in consequence of any personal injury, such affidavit shall also state the name of the attending physician, if any, the amount of money, if any, expended for medical attendance, the loss of time and the value thereof, and shall fully describe the nature and extent of the injury received, and the amount of compensation claimed by reason of such damage or injury.

No claim to be allowed for damages, etc., unless accompanied by affidavit.

SEC. 21. All claims for damages against the city, growing out of the negligence or default of said city or of any officer or employe thereof, shall be presented to the council in the manner above provided within six months after such damage has been sustained or injury received, and in default thereof shall thereafter be forever barred.

All claims for damages growing out of negligence etc., shall be presented within six months.

SEC. 22. In any action in any court on any claim whatsoever, the claimant shall be required to show that such claim has been duly presented in the manner hereinbefore provided to the council of said city for audit, investigation and allowance, and that said council has had reasonable time to investigate and pass upon it before the bringing of such action.

In any action claimant required to show that claim has been duly presented etc.

SEC. 23. Between the fifteenth day of April and the first day of May of the year eighteen hundred ninety-six, and annually thereafter, and whenever a vacancy shall occur, the mayor shall nominate a suitable person to fill each of the following offices: City attorney, police justice, city accountant, city surveyor, harbor master, director or directors of the poor, poundmaster, inspector of firewood, sealer of weights and measures, and two commissioners of the board of public works, and such other officers as may be necessary to carry into effect the powers herein granted, and as the council may from time to time direct. The council, a quorum being present, shall thereupon proceed to act upon such nominations, and a vote

Mayor to make nominations for certain officers.

Council to act on such nominations.

shall then be taken on each of said nominations and the persons receiving the votes of a majority of the council elect shall be declared duly confirmed, those not receiving such votes shall be declared rejected. The mayor may renominate those rejected or may submit the names of other persons, whereupon the same proceedings shall be had as aforesaid, until such offices are filled. The mayor may suspend any of the officers named in this section for good cause on filing a statement of his reasons for so doing in the office of the recorder: *Provided*, That the council, at its next meeting, shall approve of such suspension in the manner in this act provided.

Mayor may suspend any officer for cause.  
Provide.

Additional powers of council.

Vice and immorality.

Vagrants, drunkards, etc.

Disorderly houses, etc.

Billiard rooms, bowling alleys, etc.

Liquors.

Exhibitions, circuses, etc.

Auctions, sales, etc.

SEC. 24. In addition to the other powers and duties herein conferred upon it, the council shall have power to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as it may deem advisable within said city for the following purposes:

*First*, To restrain and prevent vice and immorality, gambling, noise and disturbances, indecent or disorderly conduct or assemblages, and to punish for the same; to preserve peace and good order, prevent and quell riots, to protect the property of the corporation and of its inhabitants, and of any association, public or private corporation, or congregations therein, and to punish for injuries thereto, or for unlawful interference therewith;

*Second*, To apprehend and punish vagrants, drunkards, truants, disorderly persons and common prostitutes;

*Third*, To restrain, prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses, and all places where persons resort for gaming, or to play games of chance and to punish the keepers, inmates and frequenters thereof;

*Fourth*, To license, regulate and restrain billiard rooms, bowling alleys or tables, and ball alleys; to prohibit and suppress every species of gaming and to authorize the seizure and destruction of all instruments, devices and material used for the purposes of gaming;

*Fifth*, To regulate, license and restrain ale, beer and porter houses and all places of resort, and to require all such places to be closed on Sunday and upon such other days and during such hours as the council may prescribe; to prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors to any habitual drunkard or intemperate person, minor, employe or apprentice, and to punish any person for so doing;

*Sixth*, To license, regulate, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all exhibitions of whatever name and nature for which money or other reward is in any manner demanded or received;

*Seventh*, To license and regulate auctions and sales at auctions, to regulate the sale of live or domestic animals at auction upon the streets or alleys, or upon any public grounds of the city; to license and regulate the sale of goods, wares,

property or anything at auction, or any manner of public bidding, or offerings by buyers or sellers after the manner of auction sales; to regulate the fees to be paid by and to auctioneers; and to license transient traders and dealers; but no such license shall be required in case of sale required by law to be made at auction or public vendue;

*Eighth*, To license hucksters, peddlers, junk dealers and dealers in second hand goods, and pawnbrokers, in the business of hawking and peddling, and to regulate and license the sale of peddling (directly or by canvassing for subscription), of goods, wares, merchandise, refreshments or any kind of property or thing, by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device in the streets, highways or in and upon the wharves, [open] upon places or spaces, stores, offices and business blocks and places, public grounds or buildings in said city: *Provided*, That the provisions of this subdivision shall not apply to farmers selling produce raised on their own farms in said city of Muskegon;

Peddlers, pawnbrokers, etc.

Provide.

*Ninth*, To regulate, abate and remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog pen, sewer, or other offensive or unwholesome structure, house or place, to cleanse, remove or abate the same from time to time as often as it may deem necessary for the health, comfort and convenience of said city;

Nuisances.

*Tenth*, To direct the location of slaughter houses, markets and buildings for the [storing] storage of gunpowder and other combustible and explosive substances;

Slaughter houses, gun powder, etc.

*Eleventh*, To regulate, restrain and prohibit the buying, carrying and selling gunpowder, firecrackers or fireworks manufactured and prepared therefrom, or other combustible materials, the exhibition of fireworks and the discharge of firearms, and lights in barns, stables and other buildings, and to restrain the making of bonfires in streets, yards and public grounds;

Dangerous materials.

*Twelfth*, To prevent the encumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges, aqueducts, wharves or slips in any manner whatever, and to regulate and provide for the anchorage, movement, shifting and removal of all water craft being and lying in the Muskegon lake and river, or in front of or in any dock, wharf or slip in said city; to determine and designate the route and grades of any railroads to be built in said city, and to regulate the use of locomotives, engines and cars upon the railroads within said city;

Encumbering streets, regulating wharves, etc.

*Thirteenth*, To prohibit or regulate bathing in any public waters or in any open or conspicuous place, and any indecent exposure of the person in the city;

*Fourteenth*, To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such license and to authorize the killing of dogs not so licensed, and to regulate and prevent the running at large of dogs;

Dogs.

- Unwholesome or offensive substances.** *Fifteenth*, To prohibit any person from bringing or depositing within the limits of said city any dead carcass or other unwholesome or offensive substance, and to require the removal and destruction thereof, if any person shall have on his premises such substance, or any putrid meats, hides and skins of any kind, and on his default to authorize the removal and destruction thereof as a public nuisance, by some officers of the city;
- Of sidewalks.** *Sixteenth*, To compel all persons to build sidewalks in front of premises owned or occupied by them, and to require such persons to keep the same in repair and clear from snow, ice, dirt, wood or obstructions;
- Ringling of bells and crying of goods.** *Seventeenth*, To regulate the ringling of bells and the crying of goods and other commodities at sale at auction, and to prevent disturbing noises in the streets;
- To regulate the building of wooden buildings, etc.** *Eighteenth*, To prohibit, restrain or regulate, within such parts of the city as it may deem expedient, the building, rebuilding, enlarging, repairing or placing of wooden buildings therein; to prohibit, restrain or regulate the erection of any building of a combustible nature that is being erected or intended to be erected in such a manner or in such a locality as to endanger the safety of said city; to regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner or builder, not exceeding five hundred dollars;
- Building line.** *Nineteenth*, To prevent and punish horse racing and immoderate driving in any street, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street; to require any horse or mule attached to any vehicle, or standing in any of the streets, lanes or alleys of said city to be securely fastened, watched or held;
- Horse racing and immoderate driving.** *Twentieth*, To establish, order and regulate the markets; to regulate the vending of hay, wood, meats, vegetables, fruit, fish and provisions of all kinds, and prescribe the time and place for selling the same, and the fees to be paid by butchers for license; to prohibit the sale of unwholesome meat, poultry, fish, vegetables, or other articles of food or provisions, impure, spurious or adulterated wines, spirituous liquors or beer, or knowingly keeping and offering same for sale, provided nothing herein contained shall authorize the council to restrict in any way the sale of fresh and wholesome meats by the quarter or carcass within the limits of the city;
- Markets, licenses, etc.** *Twenty-first*, To license and regulate wharf boats, and to regulate the use of tugs and other boats used in and about the harbor and within the jurisdiction of the city;
- To license wharf boats, tugs, etc.** *Twenty-second*, To establish or authorize, license and regulate ferries to and from the city, or any place therein, or from one part of the city to another, and to regulate and prescribe from time to time the charges and prices for transportation of persons and property thereon;
- Ferries.**

*Twenty-third*, To regulate and license all taverns and houses of public entertainment, and all saloons, restaurants and eating houses; To regulate and license taverns, etc.

*Twenty-fourth*, To license and regulate all vehicles of every kind used in the transportation of any persons or property for hire in the city; Vehicles.

*Twenty-fifth*, To provide for and regulate inspection of meats, poultry, fish, butter, cheese, milk, lard, vegetables, flour and provisions; Inspection of meats, etc.

*Twenty-sixth*, To regulate the inspection or weighing and measuring of brick, lumber, firewood, coal, hay and any article of merchandise; Of brick, lumber, etc.

*Twenty-seventh*, To provide for the inspection and sealing of weights and measures, and enforce the keeping and use of proper weights and measures by venders;

*Twenty-eighth*, To prescribe rules to govern sextons and undertakers for burying the dead, hacks and their drivers, omnibuses and their drivers, scavengers, porters, chimney sweeps and their fees and compensation; Sextons, undertakers, hacks, etc.

*Twenty-ninth*, To make regulations for licensing and regulating carts, drays, cabs, hacks and all carriages or vehicles kept for use or hire, auctioneers, peddlers, pawnbrokers, auctions, peddling, taverns, hotels, victualling houses, saloons, or other places or houses for furnishing meals, food or drink, and keepers of billiard tables and ball alleys not used for gaming; Drays, carts, cabs and carriages, auctioneers, pawnbrokers.

*Thirtieth*, To license and regulate soliciting for passengers or for baggage for any hotel, tavern, public house, boat or railroad; also draymen, cartmen, truckmen, porters, runners, or otherwise, or cab, hacks, omnibuses, carriages, sleighs, express vehicle or every other vehicle used or employed for hire and to fix the amounts and rates of their compensation; Soliciting passengers.

*Thirty-first*, To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants of buildings to affix numbers on the same; Numbering buildings.

*Thirty-second*, To make regulations for the lighting of the streets and alleys and the protection and safety of public and street lamps and lights; Lighting streets.

*Thirty-third*, To regulate the placing and using of all telegraph, telephone, electric light poles and wire; Telegraph poles, etc.

*Thirty-fourth*, To preserve the salubrity of the waters of Muskegon lake and river and other waters within the city; to prohibit the depositing therein of all filthy and other matter tending to render said water impure, unwholesome or offensive; to preserve and regulate the navigation of said waters within the limits of said city; to prohibit the depositing or keeping therein any structure, earth or substance tending to impair the navigation thereof, and to remove all obstructions that may at any time be found therein, and to direct and regulate the stationing, enclosing and mooring of vessel and laying out of cargoes and ballast from the same; to fill up all low grounds, lots covered or partially covered with water, or to drain the same as may be deemed expedient; and to regulate the Salubrity of waters.

	cutting of ice in Muskegon lake; and to prohibit and prevent by sufficient penalty, the cutting and vending of impure ice from said waters or elsewhere within said city;
Parks, etc.	<i>Thirty-fifth</i> , To provide for public parks and squares, make, grade, improve and adorn the same, and all grounds in said city belonging to or under the control of said city, and to control and regulate the same consistently with the purposes and objects thereof;
Census.	<i>Thirty-sixth</i> , To provide for taking the census of the inhabitants of said city as it may see fit, and to direct and regulate the taking of the same;
Grades.	<i>Thirty-seventh</i> , To establish a grade for streets and sidewalks, and cause the same to be constructed in accordance therewith;
To prescribe duties of officers appointed by council.	<i>Thirty-eighth</i> , To prescribe the duties of all officers appointed by the council, not otherwise herein provided for, and their compensation, and the penalty for failing to perform such duties;
Bonds and sureties.	<i>Thirty-ninth</i> , To prescribe all bonds and sureties to be given by the officers of the city for the discharge of their duties, the time for executing the same, in cases not otherwise provided for by law;
Fees and costs.	<i>Fortieth</i> , To authorize and regulate the demand and receipt by officials of such fees and costs and in such cases as the council may deem reasonable;
Fees of jurors and witnesses.	<i>Forty-first</i> , To fix and regulate the fees of jurors and witnesses in any proceeding under this act or under any ordinance of the council;
Disposing of filth, manure, etc.	<i>Forty-second</i> , To sell or otherwise provide for disposing of all dirt, filth, manure and debris, lying in or gathered from the highways, streets, avenues, lanes, alleys or public spaces, and all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving or otherwise improving the same;
Awnings and signs.	<i>Forty-third</i> , To control, prescribe and regulate the mode of constructing and suspending awnings and the exhibition and suspension of signs;
To regulate the use of streets, highways, etc.	<i>Forty-fourth</i> , To control, prescribe and regulate the manner in which the highway, streets, avenues, lanes, alleys, public grounds and spaces within said city shall be used, and to provide for the preservation of and prevention of wilful injury thereto;
Planting trees, etc.	<i>Forty-fifth</i> , To direct and regulate the planting and provide for the preservation of trees in said city;
To prevent exhibitions.	<i>Forty-sixth</i> , To prevent the exhibition of signs on canvases or otherwise in and upon any vehicle, standing or traveling upon the streets of said city;
To prohibit practices, amusements, etc.	<i>Forty-seventh</i> , To prohibit all practices, amusements and doings in said streets, having a tendency to frighten teams or horses, or dangerous to life or property; to remove or cause to be removed all walls and structures that may be liable to fall so as to injure life or property;



*Forty-eighth*, To prescribe and regulate the places or stands in the streets of said city within which any vehicles may be kept for hire; Places where vehicles may be kept for hire.

*Forty-ninth*, To prohibit and punish the use of toy pistols, air guns, sling shots and other dangerous toys, implements or weapons within said city; Toy pistols and air guns.

*Fiftieth*, To provide for the protection and care of paupers and to prohibit and prevent all persons from bringing to the city from any other place any pauper or paupers, or any person likely to be a charge upon said city and to punish therefor; and to authorize the removal from the city of all paupers not a legal charge upon said city; Paupers, to protect and prohibit bringing into the city.

*Fifty-first*, To establish, organize and maintain an almshouse department, to purchase necessary grounds, erect necessary buildings [therefor] thereof, either within or without the city limits, and to appoint the necessary officers therefor, and to provide for the government thereof; Almshouses.

*Fifty-second*, To establish and build a jail, workhouse and houses of correction, for the confinement of offenders, and to erect the necessary buildings therefor, and control and regulate the same; appoint all necessary officers for taking charge of the same and of the persons confined therein; to prescribe their powers and duties and provide for their removal from office and the filling of vacancies; to provide for the imprisonment and confinement in said jails, workhouses and houses of correction, or in the common jail of the county of Muskegon, or in any appropriate State institution of all persons liable to be imprisoned under this act or any ordinance of said council, whenever convicted of a violation thereof; to compel any person confined in any such jail, workhouse or house of correction, or in the common jail of the county of Muskegon to work upon the streets and alleys of said city, or in and upon the buildings and premises belonging to said city during the time the detention of such person is authorized; To establish and build a jail, work houses, etc.

*Fifty-third*, To regulate the burying of the dead, and to compel the keeping and return of bills of mortality; also returns of births and marriages; Burial of the dead, returns of births and marriages.

*Fifty-fourth*, To preserve order in the streets and other public places in said city, at the arrival and departure of railroad cars or trains, and to prescribe, regulate and maintain places in which drivers, porters, runners, solicitors, agents and baggage collectors for the hotels or public houses, or express companies, draymen, cabmen, cartmen, omnibus drivers and solicitors for passengers or baggage, with drays, carts, cabs, carriages, sleighs or other vehicles, shall stand and to prohibit or prevent them from entering and driving within any railroad depot or station grounds to solicit passengers or baggage; To preserve order, to regulate places where porters, solicitors, hackmen, etc., may stand.

*Fifty-fifth*, To survey and establish the boundaries of the city and of all highways, streets, avenues, lanes, alleys, public parks, squares and spaces in said city; to prohibit all encumbrance and encroachments upon the same by buildings, fences and of partition and parapet walls and walls of buildings, To survey and establish boundaries.

fences, or in any other manner, and to provide for the removal of the same;

To regulate the construction of partition fences.

*Fifty-sixth.* To regulate the construction of partition fences and of partition and parapet walls and walls of buildings, and thickness of walls; to regulate the construction of chimneys, hearths, fire places, fire arches, ovens, and the putting up of stoves, stove pipes, kettles, boilers, or any structure or apparatus that may be dangerous in promoting or causing fires; to compel and regulate the cleaning of chimneys and chimney flues, and to fix the fees therefor; to compel and regulate the construction of ash houses and deposits of ashes; to compel the owners of houses and other buildings to have scuttles on their roofs, and stairs and ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition; and to authorize any of the officers of the city to keep all idle or suspicious persons away from the vicinity of fires, and to compel officers of the city and other persons to aid in the extinguishment of fires, and the preservation of property exposed to danger therefrom;

To compel owners to have scuttles in their roofs.

To erect, repair and regulate wharves.

*Fifty-seventh.* To erect and repair and regulate public wharves and docks at the end of streets and on the property of the corporation; to regulate the erection and repair of private wharves and docks so that they shall not extend into Lake Muskegon, or river, beyond certain lines to be established by the council;

Indecent or obscene pictures, books, etc.

*Fifty-eighth.* To prevent and prohibit in the streets or elsewhere in said city the show, sale, crying or exhibition of indecent or obscene pictures, drawings, engravings, paintings and indecent, immoral and scandalous books, pamphlets, newspapers and literature; and further, the council shall have authority to enact all ordinances and make all such regulations consistent with the law and constitution of the State as they may deem necessary for the safety, good order, good morals and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or to any corporation for any purpose whatever.

No exclusive rights to be granted.

Council may assign certain place for the exercise of any trade or business offensive to the inhabitants.

SEC. 25. The council, when it shall deem it necessary, may from time to time assign by ordinance certain places within the city for the exercise of any trade, business or employment, offensive to the inhabitants or prejudicial to good morals or the well being of society, or dangerous to the public health; and may forbid the exercise thereof in places not so assigned, and may change or revoke such assignment at pleasure, and whenever a business carried on in any place so assigned, or any other place in the city, shall become hurtful and dangerous to the health or prejudicial to the peace and good order, or otherwise objectionable to the inhabitants of the city in that neighborhood, the council may prohibit the further exercise of such business or employment at such place.

SEC. 26. The council may prescribe the terms and conditions upon which licenses may be granted and may exact and require payment of such sum for any license as they may deem proper; the person receiving the license shall, before the issuing thereof, execute such bond to the corporation in such sum as the council shall prescribe with one or more sufficient sureties, conditioned for the faithful observance of the charter of the corporation, the ordinances of the council, and otherwise conditioned as the council may prescribe. Every license shall be revocable by the council at pleasure, and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or otherwise ordered by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

Council may prescribe terms on which licenses may be granted.

Licenses shall be revocable by the council at pleasure.

SEC. 27. No license shall be granted for any term beyond the first Monday in May next thereafter, nor shall any license be transferable, and the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation, trade or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

Licenses not to be granted beyond the first Monday in May.

SEC. 28. All moneys received for or on account of any license granted for any person shall be paid into the city treasury to the credit of the contingent fund.

All moneys received for licenses to be paid into the city treasury to the credit of the contingent fund. City to have power to take and hold real estate, etc.

SEC. 29. The city of Muskegon shall have power to take, accept and hold any real estate or personal estate, whether by gift, bequest or devise, for any purpose connected with the parks, cemeteries or public grounds of said city, or for any public institution or charity, and when accepted, it shall be the duty of the council of said city to use and appropriate the same for the purposes and uses mentioned in the instrument, giving, granting or devising the same, and for no other purpose.

SEC. 30. The council may prescribe by ordinance from time to time, limits or districts within the city, within which wooden buildings and structures shall not be erected, placed or enlarged, and to direct the manner of constructing buildings within such districts, with respect to protection against fire, and the materials of which the outer walls and roof shall be constructed.

Limits in which wooden buildings shall not be erected.

SEC. 31. The council may also prohibit, within such places or districts as they may deem expedient, the location of shops, the prosecution of any trade or business, the keeping of lumber yards and the storing of lumber, wood or other easily inflammable material in open places, where in the opinion of the council the danger from fire is thereby increased; they may regulate the storing of gunpowder, oil and other combustible and explosive materials, and the use of lights in buildings, and generally may pass and enforce such ordinances and regula-

Restricting location of shops, etc.

tions as it may deem necessary for the prevention and suppression of fires.

Council to enact ordinances for the protection of health, etc.

SEC. 82. The council shall enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants of said city, and to prevent the introduction of or spread of malignant, infectious or contagious diseases and for the removal or seclusion of persons having such diseases, or who may be suspected to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the board of health may prescribe.

Power to abate and remove all nuisances.

SEC. 83. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health; it may require any person, corporation or company, causing any such nuisance, or the owner or occupant of any lot or premises upon which any such nuisance may be found, to remove or abate the same upon such notice, and within such time and in such manner as it may by ordinance or resolution direct.

All moneys received for fines, penalties, etc., to be paid into the contingent fund.

SEC. 84. All moneys received by said city for fines, penalties and forfeitures shall be paid into the city treasury to the credit of the contingent fund.

Presiding officers and chairman of committees shall have power to administer oaths.

SEC. 85. The presiding officer of the council, and the chairman of any committee or special committee thereof shall have the power to administer any oath or take any affidavit in respect to any matter pending before the council or such committee.

Redistricting and changing the boundaries of wards.

SEC. 86. Whenever the council shall deem it expedient, it may by ordinance, enacted by a concurring vote, of not less than two-thirds of the aldermen elect, redistrict said city into wards, and change the boundaries of any ward; but in no case increase or decrease or change the number of wards in said city: *Provided*, That no such change or redistricting shall be made within ninety days next preceding any election which may be held under the provisions of this act.

Proviso.

For purposes of quarantine, health regulation, etc., city to have jurisdiction over the waters of Lake Michigan.

SEC. 87. For all purposes of police, quarantine and health regulation and control, the said city shall have jurisdiction over the waters of Lake Michigan to the distance of one mile from boundary of said city, and for that purpose all ordinances enacted by the council shall extend over said waters with the same force and effect as within the territory incorporated by this act; and all process and notices of every kind and description in this act, or in such ordinances provided for, may be served on said waters in like manner as within said city.

Power of council to prevent obstructions, incumbrances, etc.

SEC. 88. The council shall have power to prohibit and prevent obstructions and incumbrances in, and encroachments upon the public streets and alleys of said city, and to remove the same, and to punish those who shall obstruct, encumber and encroach, or maintain any encroachments upon or in any such streets, or alleys, and to require all such persons to remove such obstructions, incumbrances or encroachments.

To regulate openings of and removal of soil.

SEC. 89. The council may regulate the making of all openings in and removals of the soil of public streets, alleys and public grounds, for the laying or repair of sewers, drains, tun-

nels, gas pipes, water pipes or other pipes, or for any other purpose, and may prohibit or prevent all such openings or removals of the soil, except by the express permission of the council, and at such times and upon such terms, conditions and regulations as it may prescribe.

SEC. 40. The council may regulate the use of the public streets, avenues, alleys and public grounds of said city, subject to the right of travel and passage thereon; to designate the places where wood, coal, hay or other articles may stand for sale; to regulate traffic and sales in the streets and upon the sidewalks; to regulate and prohibit all such sports, amusements, proceedings and gathering of crowds in the streets, alleys or public places, as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese and other domestic animals or fowls in the streets or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same, to cleanse and purify the streets and alleys and to prohibit, prevent, remove or abate all nuisances therein, and to require the authors and maintainers thereof to remove the same, and to punish them, and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure the good order and safety of persons and property in the lawful use thereof, and to promote the general welfare. And in addition to all the powers herein granted, the council shall have the same authority and powers over and in respect to the public streets, alleys, parks and places as are conferred by law upon highway commissioners in townships.

Council may regulate use of public streets.

To designate place where wood, hay, etc., may stand for sale.

To prohibit and prevent running at large of cattle, horses, swine, etc.

SEC. 41. The council shall have the power to regulate and prohibit the use, display [or] of the placing of signs, advertisements, banners, awnings, awning posts, telegraph, telephone and electric light poles and other things upon, in, over, above or across streets, sidewalks, crosswalks, alleys and public grounds of said city, and to regulate and prohibit the construction and use of openings in the sidewalks, and of all vaults, structures, and excavations under the same, and to prohibit and prevent obstructions, incumbrances or other things or nuisances upon the sidewalks of said city.

To regulate the display and erection of signs, banners, awnings, etc.

## TITLE VIII.

### ORDINANCES AND THEIR ENFORCEMENT.

SECTION 1. The style of all ordinances shall be, "The council of the city of Muskegon ordain," etc. All ordinances shall require for their passage the concurrence of a majority of all the aldermen elect; the time when any ordinance shall take effect shall be prescribed therein; such time, when, by the terms of the ordinance, a penalty is imposed shall be not less than ten days after its first publication; all process for the enforcement

Style of ordinance, majority vote to pass.

When to take effect.

of any ordinance of said city shall be "In the name of the people of the State of Michigan."

Every ordinance shall be written or printed in a plain and legible manner.

To be approved and signed by mayor.

SEC. 2. Every ordinance shall be written or printed in a plain and legible manner, before the same shall be passed by the council, but no ordinance shall be adopted by the council at the same meeting at which it is proposed, except by unanimous consent of all the aldermen then in office, and after any ordinance is adopted by the council it shall be approved and signed by the mayor, and in his absence from the city by the president *pro tem*. Such ordinance shall become operative without the approval of the mayor, unless he shall, within ten days after its passage, lodge in the office of the recorder his reasons in writing why the same should not go into effect; in which case, it shall not become operative until it shall again be submitted to the council and receive the affirmative vote of two-thirds of all the aldermen elect.

Ordinances to be filed in the office of the recorder.

SEC. 3. All ordinances, when approved by the mayor, or when the said ordinances have become operative without the approval of the mayor, shall be immediately filed in the office of the recorder, who shall record the same in a separate book to be kept for that purpose, to be known as the "Book of ordinances of the city of Muskegon." It shall not be necessary to enter any ordinance at length in the minutes or journal of the council, but reference may be had thereto by its title, in regard to all action upon the passage thereof.

Ordinance to be published in newspaper.

Proof of publication.

SEC. 4. Within ten days after the passage of any ordinance, the same shall be published in some newspaper printed and circulated within the city, and such publication shall be continued in such paper for two successive weeks. Proof of the requisite publication of any ordinance, resolution or other proceeding of the council may be made by the affidavit of a printer or publisher of any paper in which the same has been published, and such affidavit, when duly filed with the recorder, shall in all cases, courts and proceedings, be *prima facie* evidence of the legal publication of such ordinance, resolution or other proceeding. All copies of the ordinances of the council purporting to have been printed and published by its authority, shall in all courts and proceedings be received as *prima facie* evidence thereof, and of their legal enactment and publication.

Judicial notice of enactment and existence of.

SEC. 5. In all courts having authority to hear, try and determine any matter or cause arising under the ordinances of said city, and in all proceedings relating thereto, judicial notice shall be taken of the enactment, existence, provisions and continuing force of such ordinances.

Limits of penalty for violation of.

SEC. 6. When by the provisions of this act, the council has authority to pass ordinances for any purpose, it may prescribe fines, penalties and forfeitures not exceeding five hundred dollars, or imprisonment not exceeding three months, or both, in the discretion of the court, together with the costs of prosecution for each violation of any such ordinance, and may provide that the offender on failing to pay any such fine, penalty or forfeiture, and the costs of prosecution may be imprisoned in

the county jail of Muskegon county, in the jail, workhouse or house of correction of said city or the Detroit House of Correction for a term not exceeding ninety days.

SEC. 7. The costs of prosecution that may be imposed, under the provisions of the preceding section, shall be the same as those fixed by law in justice courts, in criminal cases. Costs of prosecution.

SEC. 8. Whenever a pecuniary penalty or forfeiture shall be incurred for violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction thereof, such penalty or forfeiture may be recovered in an action of debt or assumpsit. Whenever a corporation shall incur a penalty or forfeiture for a violation of any ordinance the same may be sued for in one of the actions aforesaid. Pecuniary penalty, how recovered.

SEC. 9. Any action for the recovery of a penalty or forfeiture for the violation of any ordinance shall be brought in the name of the city of Muskegon, and may be commenced by summons. The form, time of return, and service thereof, the pleadings and all proceedings in the cause, shall, except as otherwise provided herein, conform to and be the same, as near as may be, as in like actions for the recovery of penalties for violations of the laws of the State. Upon rendition of judgment against the defendant, execution shall issue forthwith, and, except when against a corporation, shall require that, if sufficient goods and chattels cannot be found to satisfy the same, the defendant be committed to the county jail of Muskegon county, the jail, workhouse or house of correction of said city, for a period not exceeding ninety days, unless execution be sooner paid, or he be discharged by due course of law. Action, how brought for.

SEC. 10. Prosecution for violation of the ordinances of said city may also in all cases, except against corporations, be commenced by a warrant for the arrest of the offender; such warrant shall be in the name of the people of the State of Michigan, and shall set forth the offense complained of, and be substantially of the form and be issued upon complaint made as provided by law in criminal cases cognizable by justices of the peace; and the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause and in procuring the attendance and testimony of witnesses, and the rendition of judgment and execution thereof, and the enforcement of the same shall, except as otherwise provided by this act, be governed by and conform, as nearly as may be, to the provisions of law regulating the proceedings in criminal cases cognizable by justices of the peace. Prosecutions, how commenced.

SEC. 11. If the accused shall be convicted, the court shall render judgment thereon and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order. Warrants to be in the name of the people.

SEC. 12. The city of Muskegon shall be allowed the use of the county jail of Muskegon county for the confinement of If convicted, court to render judgment and inflict punishment. City to be allowed use of jail for.

persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act, and the sheriff or other keeper of such jail shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

Not necessary to set forth ordinance in complaints or warrants.

Shall be sufficiently set forth by reciting its title.

SEC. 13. It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance, or any provision thereof, in any complaint, warrant, process or pleading therein; but the same shall be sufficiently set forth or stated by reciting its title and the date of its passage or approval, and it shall be a sufficient statement of the offense or cause of action in any such complaint or warrant, to set forth substantially with reasonable certainty, the time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of said city, referring thereto by its title and the date of its passage or approval.

Prosecutions, judgments and appeals.

SEC. 14. In all prosecutions, and in all suits to which the city shall be a party, brought to recover any penalty or forfeiture for violation or breach of any ordinance, and in any suit commenced by summons, warrant or other process, to which the city shall be a party, brought in justice court, the like proceedings shall be had thereon, except as herein otherwise provided, and the judgment rendered therein may be appealed from in like manner as in similar cases tried before justices of the peace, except that the city of Muskegon shall not be required to give any bond.

All moneys collected for fines, penalties, etc., to be paid into city treasury.

SEC. 15. All moneys collected for fines, penalties or forfeitures or judgments, shall be paid into the city treasury to be disposed of as the council shall direct. Justices of the peace receiving any such fines and neglecting or refusing to pay over the same within thirty days thereafter, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

All processes issued to be directed to the chief of police or any constable.

SEC. 16. All process issued by any justice of the peace to enforce any of the ordinances of the said city shall be directed to the chief of police of the city of Muskegon, or any constable of the county of Muskegon, and such process may be executed by any of said officers anywhere within the State, and shall be returnable the same as other similar process issued by justices of the peace.

## TITLE IX.

### FINANCE AND TAXATION.

Fiscal year.

SECTION 1. The fiscal year of the city of Muskegon shall commence on the first day of July in each year.

Power to levy taxes.

SEC. 2. The council shall have authority, within the limitations herein prescribed, to raise annually by taxation within the corporation such sums of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers in this act granted.



**SEC. 3.** The revenues raised by general tax upon all the property in the city, or by loan, to be repaid by such tax, shall be divided into the following general funds:

*First*, Contingent fund, to defray the contingent and other expenses of the city, for the payment of which from some other fund no provision is made; Contingent fund.

*Second*, Fire department fund, to defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city; Fire department fund.

*Third*, General highway fund, to defray the expenses of opening, widening, extending, altering and vacating streets, alleys and public grounds, and for grading, paving, curbing, graveling, and otherwise improving, repairing and cleaning the streets, alleys and public grounds of the city, and for the construction and repair of sidewalks and crosswalks and for the care thereof; General highway fund.

*Fourth*, General sewer fund, to defray the expenses of sewers, drains, ditches and drainage, and the improvement of water courses; General sewer fund.

*Fifth*, Bridge fund, for the construction and maintenance of bridges; Bridge fund.

*Sixth*, Water fund, for the construction, extension and maintenance of water works, and for the maintenance of the water department, and providing supplies of water; Water fund.

*Seventh*, Public building fund, for providing for public buildings, and for the purchase of land therefor, and for the erection, preservation and repair of any such buildings, city hall offices, prisons, watch houses and hospitals, as the council is authorized to erect and maintain, and not herein otherwise provided for; Public building fund.

*Eighth*, Police fund, for the maintenance of the police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city; Police fund.

*Ninth*, Cemetery fund;

Cemetery fund.

*Tenth*, Interest and sinking fund, for the payment of the public debt of the city and the interest thereon;

Interest and sinking fund.

*Eleventh*, Such other general funds as the council may from time to time constitute.

Other general funds.

**SEC. 4.** Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds:

*First*, A street district fund, for each street district, for defraying the expenses of grading, improving, repairing and working upon the streets therein and for the payment of all street expenses, and for the building and repair of sidewalks and crosswalks, which the council shall charge upon the street district;

Revenues raised in special districts to be divided into the following funds.  
Street district fund.

*Second*, A district sewer fund, for each main sewer district, for the payment of the cost and expenses of sewers and drainage in and chargeable to the main sewer district, when the city shall be divided into such districts;

District sewer fund.

Special assessment fund.

The aggregate amount which may be raised not to exceed two and one-half per cent.

Council may raise not to exceed one-fourth of one per cent for street work, etc.

May raise by special assessment in sewer districts, amount of.

Council to make estimates in the month of June for amount necessary for certain expenses.

Shall also determine amount required to meet any deficiencies.

*Third*, Special assessment funds, any money raised by special assessment levied in any special assessment district or special sewer district, to defray the expenses of any work, paving, improvement or repair or drainage therein.

SEC. 5. The aggregate amount which the council may raise by general taxation upon the taxable real and personal property in the city of Muskegon, for the purpose of defraying the general expenses and liabilities of the corporation and for all purposes for which the several general funds mentioned in section three of this title (exclusive of the taxes for schools, library and schoolhouse purposes) shall not, except as herein otherwise provided, exceed in any one year two and one-half per cent on the assessed value of all the real and personal property in the city made taxable by law as shown by the assessment roll of the preceding year.

SEC. 6. The council may also raise by tax in each street district for defraying the expenses of working upon, improving and repairing and cleaning the streets of the district and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in any one year, one-fourth of one per cent on the assessed value of the taxable real and personal property in the district, as shown by the assessment roll of the preceding year.

SEC. 7. In addition to the above amounts, the council may raise by special assessment in sewer districts and special assessment districts for the purpose of grading and paving, curbing, graveling and otherwise improving the streets, and for constructing sewers and drains, and making other local improvements chargeable upon the lands and property in the district, and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as it shall deem necessary, but not exceeding in any one year twenty per cent on the assessed value of the property in the sewer district or special assessment district, as the case may be, as shown by the assessment roll of the preceding year.

SEC. 8. It shall be the duty of the council to cause estimates to be made in the month of June of each year, of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built, and for the paving of streets, the construction of sewers, making improvements and for the support of the police and fire departments, and for defraying the current expenses of the year, and the amounts that will be required to be expended from street district funds during said next fiscal year in working upon, improving and repairing the streets in the several street districts of the city, and for every other purpose for which money will be required to be paid from any of the several general funds during such fiscal year.

SEC. 9. The council shall also, in the same month, determine upon the amount required to be raised in the next general tax levy to meet any deficiencies for the current year; also

the amount or part of any special assessments which it may require to be levied or reassessed in the next general assessment roll of the city upon lands in any main sewer, or special assessment district, or upon any parcel of land, or against any particular person as a special assessment.

SEC. 10. The council shall also, in said month of June, pass a resolution to be termed the annual appropriation bill, in which it shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year, payable from the several general funds and from the street district funds as estimated and determined upon as provided in section eight of this title, and order the same or so much of said amounts as may be necessary, to be raised by tax in the next general tax levy, or by loan, or both, and to be paid into the several general funds and street district funds of the city; but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections five and six of this title to raise by general tax during the year. The council shall specify in such resolution the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds and street district funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment, or other sum which it may require to be levied or reassessed with the next general tax as mentioned in section nine of this title, and the disposition to be made of such moneys, and shall also designate in said bill any local improvement which it may deem advisable to make during the next fiscal year, to be paid for in whole or in part by special assessments, and the estimated cost thereof.

Council to pass annual appropriation bill, what to make provision for.

Council to specify objects and purposes for which appropriations are made.

SEC. 11. After the passage of the annual appropriation bill no further sums shall be raised or appropriated, nor shall any further liability be incurred for any purpose, to be paid from any general or street district fund, during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a majority vote of the electors of the city, or such district, as the case may be, voting upon the proposition at the next annual city election, or at any special election called for that purpose; but this section shall not prohibit the council from making any necessary repairs or expenditures, at a cost not exceeding five thousand dollars, the necessity for which is caused by an epidemic, casualty or accident, after making the annual appropriation for the year, and for borrowing the money therefor.

After passage of appropriation bill no further sum shall be raised unless sanctioned by majority vote.

SEC. 12. No improvement, work, repairs or expenses to be paid out of any general fund or street district fund, except as herein otherwise provided, shall be ordered, commenced or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor in the last

Improvements not to exceed appropriation.

*Provide,*

Contracts not to be let to exceed two hundred dollars, except to and with the lowest bidder.

No contract to be awarded to any person in default to the corporation.

Instead of levying tax for whole amount, part may be raised by loan.

*Provide,*

Council authorized to raise money by loan in anticipation of receipts from special assessments.

Greater amount, how raised.

preceding annual appropriation bill ; nor shall any expenditure be made, or liability be incurred in any such year for any such work, improvement, repairs or for any purpose exceeding the appropriation so made therefor, nor shall any expenditure be made, or money paid out of any general or street district fund for any purpose, unless appropriated for that purpose in said bill: *Provided*, That nothing in this section contained shall be construed to hinder, delay or prevent the construction of any work to be paid for by special assessments, and the levying of special assessments therefor within the limitations prescribed in section seven of this title, and in accordance with the provisions of title eleven of this act.

SEC. 13. No contract for the construction of any public building, sewer, paving, graveling, planking, or for the construction of any public work whatever, or for any work to be done, or for purchasing or furnishing any material, printing or supplies for said corporation, if the expense of such construction; repairs, work, printing, materials or supplies shall exceed two hundred dollars shall be let or entered into, except to and with the lowest responsible bidder, with adequate security: *Provided*, That in case of repairing paved streets, building and repairing crosswalks, culverts, intersections and sidewalks, the council may cause the same to be done by the board of public works, when so deemed advisable, and ordered by a vote of two-thirds of all the aldermen elect. No contract shall be awarded under the provisions of this section to any person who is in default to the corporation upon any contract, bond, obligation or otherwise, or who is a defaulter to the corporation, or who shall be in other respects disqualified, under the provisions of this act.

SEC. 14. Instead of levying a tax for the whole amount authorized by this act to be raised in that manner in any year for the purpose of the general and street district funds, the council may, in its discretion, raise a part thereof by tax and a part thereof by loan: *Provided*, That the aggregate amount of taxes and loans so raised and made shall not exceed the amount for which a tax might be levied for the same year.

SEC. 15. The council shall also have authority to raise money by loan in anticipation of the receipts from special assessments, for the purpose of defraying the costs of the improvement for which the assessment was levied and interest may be added thereto as a part of the cost of the improvement. Such loan shall not exceed the amount of the assessment for the completion of the whole work.

SEC. 16. Should any greater amount be required in any year for any public improvement or purpose, to be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this title, such amounts may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of all the electors voting upon the question at an annual city election, or at a special election called for that purpose: *Provided*, That the amount voted or raised in any year, under the provisions

of this section, shall not exceed two per cent of the assessed valuation of the property in the city, as shown by the assessment roll for the preceding year.

SEC. 17. The proposition to raise such additional amount shall be submitted to a vote of the electors by resolution of the council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such resolution (after having been adopted by the council) shall be published in one of the newspapers of the city, and copies thereof posted in five public places in each voting precinct of the city, at least two weeks before the election, at which the vote is to be taken. Such vote shall be by ballot.

Proposition to raise additional amount shall be submitted to voters.

Resolutions to be published in newspapers and copies posted.

SEC. 18. All moneys and taxes raised, loaned or appropriated for the purposes of any particular fund shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received and to none other, nor shall the moneys belonging to one fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund at the close of any fiscal year. In such case the surplus shall be transferred to the interest and sinking fund, should there be a deficiency in that fund, otherwise the council may apply such surplus as it shall deem proper. But whenever there shall, from any cause, be a deficiency in the police fund, fire department fund, highway fund, sewer fund, bridge fund or water fund, the council may transfer from the contingent fund to supply the deficiency thus existing. Moneys not received or appropriated for any particular fund shall be credited to the contingent fund.

All moneys raised for any particular fund shall be paid into and credited to said fund.

Surplus.

Deficiency.

SEC. 19. No moneys shall be drawn from the treasury, except in pursuance of the authority and appropriation of the council and upon warrants signed by the recorder and countersigned by the mayor and city accountant, or in case of a vacancy in the office of mayor or in the absence of the mayor from the city, by the president *pro tem*. Such warrant shall specify the fund from which it is payable and shall be paid from no other fund.

Money, how drawn from the treasury.

Warrants to specify fund from which it is payable.

SEC. 20. No warrant shall be drawn upon the treasury after the fund from which it should be paid has been exhausted; nor when the liabilities outstanding and previously incurred and payable from such fund are sufficient to exhaust it.

When warrant not to be drawn.

SEC. 21. No loans shall be made by the council or by its authority in any year, exceeding the amounts prescribed in this act. For any loans lawfully made, the bonds or other obligations of the city may be issued bearing a legal rate of interest. When deemed necessary by the council to extend the time of payment, new bonds or obligations may be issued in place of former bonds or obligations falling due, in such manner as merely to change, but not increase the indebtedness of the city. Each bond or obligation shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable.

Loans, etc.

Council to audit  
and settle  
claims.

Statement.

**SEC. 22.** Immediately upon the close of the fiscal year, the council shall audit and settle the accounts of the city treasurer and other officers of the city, and the accounts also, as far as practicable, of all persons having claims against the city, or accounts with it not previously audited; and shall cause to be made a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, and the amount raised for each fund, the amount levied by special assessments and the amounts collected on each, and the amount of money borrowed, and upon what times and terms and for what purposes; also the items and amounts received from all other sources during the year. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and with what rate of interest, and such other information as shall be necessary to a full understanding of the financial concerns of the city.

## TITLE X.

### ASSESSMENT AND COLLECTION OF TAXES.

Assessor to make  
assessment.

Three type writ-  
ten copies of roll  
to be made.

To make alpha-  
betical index.

To deliver to  
board of review.

Clerk to correct  
index.

**SECTION 1.** The assessor of the city of Muskegon shall in each year make and complete an assessment of all the real and personal property within said city, liable to taxation, under the laws of this State, and of all the property of any person, liable to be assessed therein, in the same manner as required by law for the assessment of property in the townships of this State, and in so doing he shall conform to the provisions of law, governing the actions of supervisors of townships, performing like services, unless otherwise in this act provided, which said assessment roll shall be completed on or before the first day of June in each year. The assessor shall cause to be made, at the expense of said city, three typewritten copies of said assessment roll, to each of which he shall attach his certificate, certifying that the same is a true copy of the original assessment roll of said city. The assessor shall make an index of said assessment roll, showing in alphabetical order the names of all persons against whom an assessment is made therein, and the several and respective pages in said roll upon which said assessment appears. He shall deliver said copies of said assessment roll and said index to the board of review at the time appointed for the meeting thereof, and the same shall be kept by said board for the use of taxpayers during its session. Said index shall be delivered to the treasurer when the tax roll shall be delivered to him, and the same shall thereafter be kept in his office for the use of taxpayers. The clerk of said board of review shall correct said index in such manner as to embrace therein all corrections or alterations made by said board. In the matter of the assessment of property, the levying of taxes, and the collection thereof, the city of Mus-

kegon, except as in this act otherwise provided, shall be considered and treated as a township, under the provisions of the general laws of this State.

SEC. 2. The assessor of said city, the city attorney and five taxpaying electors of said city, to be appointed by the council, on the nomination of the mayor, shall constitute a board of review of assessments. The five taxpaying electors aforesaid shall severally take the constitutional oath of office. Said board of review shall organize by electing one of their number chairman. The city recorder shall be clerk of said board. Said board shall meet on the first Monday of June in each year, at the council room, and remain in session six hours each day for at least fifteen consecutive days. The assessor, city attorney and recorder shall serve without compensation; the five members appointed as aforesaid shall each receive as compensation four dollars per day, and no more.

Board of review, who to constitute.

To take oath of office.

Board, when to meet.

Compensation.

SEC. 3. The recorder shall give ten days previous notice of the meeting of said board by publishing the same in the official newspaper of said city, and by causing said notices to be posted in three public places in each voting precinct. Said notice shall specify the days during which said board will hear complaints touching the matter of assessments. During the first six days of its session, said board, of its own motion or on sufficient cause being shown, shall add to said roll the names of persons, the value of personal property, and the description and value of real property liable to assessment, in said city, omitted from said assessment roll, or strike therefrom property improperly assessed thereon; it shall correct all errors in the names of persons, in the description of property on said roll, and in the assessment and valuation of property thereon, at the request of any person, or his agent, whose property is assessed thereon, and on sufficient cause being shown, it shall correct the assessment as to such property in such manner as in its judgment will make the valuation thereof relatively just and equal. After the expiration of the first six days of its session, said board shall not add to said roll the names of any person nor the description of any property, nor shall it increase any assessment thereon. During the following six days of its session, said board shall hear any complaints concerning said roll or any assessment thereon. It may require any or all complaints to be submitted in writing, as in its judgment it may deem best. Said board may, upon satisfactory cause shown, strike from said roll, any property not legally thereon, and may at the request of any person, whose property is assessed thereon, and on sufficient cause being shown, reduce the same, and shall cause to be done whatever else may be necessary to make said roll comply with the provisions of this act and the general tax law of the State. After the expiration of the six days last above named, said board shall hear no complaints, but during the remaining days of its session, shall determine from the evidence before it, what changes, alterations and corrections are necessary and proper to be made, in order to secure a just and true appraisal and valuation of the real

Notice of meeting of board to be given by publishing in newspaper.

Board to add names, value of personal property, etc., to said roll.

Not to add to, after six days session.

May require complaints to be submitted in writing.

Board may  
make new roll  
when deemed  
necessary.

Power of board.

When reviewed  
and corrected,  
two copies of roll  
to be made.

Compensation  
for.

After adoption  
one copy to be  
delivered to city  
accountant.

Recorder to  
certify to city  
accountant  
amount to be  
raised.

Assessor to  
certify to city  
accountant  
amount appor-  
tioned for State,  
county and other  
purposes.

and personal property in said city, and it shall incorporate such changes, alterations and corrections in said roll. Said board may make a new roll, whenever it may deem the same necessary, embracing such alterations and corrections as may have been adopted by said board. The determination and decision of said board as to all matters submitted to it under the provisions of this act and of the general tax law of this State shall be final and conclusive and shall not be subject to review by any court. Said board shall also have the same powers and perform like duties as are granted to and imposed upon boards of review in townships under the general law of this State not inconsistent with the provisions of this act.

SEC. 4. When the board shall have reviewed and corrected the assessment roll of said city they shall on the last day of their meeting by ballot or otherwise designate one of the three assessors of said city whose duty it shall be, on or before the first day of August following, to make two exact copies of said assessment roll, as reviewed, altered and corrected, by said board of review, which said rolls the said board of review, or a majority thereof, shall adopt, and endorse thereon and sign a statement to the effect that the same are the assessment rolls of said city for the year, in which they have been prepared and approved, and said rolls shall be and remain the assessment rolls of said city for the purposes mentioned in this act. The assessor making such copies shall receive as compensation therefor the sum of one hundred dollars, in addition to his annual salary, to be paid by said city.

SEC. 5. After said assessment rolls have been adopted as aforesaid by the board of review, one of them shall forthwith be delivered to the city accountant of said city.

SEC. 6. On or before the first day of September in each year, the recorder shall certify to the city accountant the aggregate of all sums, which the council require to be raised by general taxation for the year [for] of all city purposes, and also all amounts reported to the council by the board of education, and authorized to be raised for schools, library and school purposes, and all the amounts which the council require to be assessed or reassessed in any street district, main or special sewer district, or other special assessment district or upon any parcel of land or against any particular person as a special assessment or otherwise within said city, or for any unpaid special assessment, or for any lien or charge created against any person or upon any parcel of land, under any ordinance, order or resolution of the council under the provisions of this act together with a designation of the district, a description of the land, the person upon or against whom the several sums are to be assessed or reassessed, with such further descriptions and directions as will enable the city accountant to assess the several amounts upon the property and person chargeable therewith.

SEC. 7. It shall be the duty of the city assessor on or before the first day of November in each year to certify to the city accountant the amounts apportioned by the board of



supervisors to be raised by tax in said city for State, county and other purposes for that year.

SEC. 8. It shall be the duty of the city accountant upon receipt of the certificate aforesaid to levy in the assessment roll delivered to him as aforesaid upon all the taxable property of said city the amounts certified to him by the recorder of said city to be raised for city, school and library purposes, placing the city taxes in one column, and the school, library, one mill and schoolhouse taxes in another column, and he shall also levy in the same roll upon the lands, property and persons chargeable therewith, all special assessments and sums reported to him by the recorder, as provided in this act for assessment or reassessment, and any street district or other assessments, placing all such taxes in a column of special assessments. He shall also levy and spread upon said roll, upon all the taxable property in said city, the amounts certified to him as necessary to be raised in said city for State, county and other taxes. The levying of such taxes shall be in accordance with the provisions of law governing the levying of taxes in townships, except as in this act otherwise provided. The several general funds mentioned in section three of title nine shall be assessed in the aggregate under the head of "city taxes," and in a separate column so headed. The several special funds mentioned in section four of title nine shall be assessed in the aggregate under the head of "special city taxes," and in a separate column so headed; all special assessments shall be assessed separately and in a column headed special assessments. In all other respects, except as in this act otherwise provided, the assessment roll shall be made in accordance with the provisions of the general law of the State. All special assessments shall be levied separately, and the aggregate of taxes shall be carried into the last column of the roll. The city accountant, upon completing said roll, shall charge the taxes levied in said roll for city and school taxes, special assessments, and all other purposes, to the city treasurer. On or before the first day of December, the accountant shall deliver said tax roll, with the taxes entered therein as aforesaid to the city treasurer, with his warrant for the collection of the taxes therein annexed thereto.

Duty of city accountant on receipt of certificate.

To deliver tax roll to city treasurer.

SEC. 9. The warrant annexed to such roll shall command the city treasurer to collect from the several persons named in said roll, the several sums mentioned in the last column thereof opposite their respective names, and to retain in his hands the amount receivable by law into the city treasury, for the purposes therein specified, and to account for and pay over to the county treasurer the amounts therein specified for State and county purposes, on or before the first day of March next following; and the said warrant shall authorize and command the treasurer, in case any person named in said tax roll, shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person. The roll with the warrant annexed thereto shall be known as the "tax roll."

City treasurer to collect.

Treasurer to give notice that roll has been delivered to him and that taxes may be paid.

Office hours of treasurer.

Treasurer may appoint a deputy.

To be paid by treasurer.

Tax roll with warrant attached to be delivered to treasurer provided security has been given.

Delinquent taxes, law respecting, what to apply to.

SEC. 10. Upon receiving the tax roll, as above provided, the city treasurer shall give immediate notice to the taxpayers of the city by publishing the same in the official newspaper of said city, and by posting copies thereof in three public places in each voting precinct, that such roll has been delivered to him, and that the taxes therein levied may be paid to him at his office, at any time before the tenth day of January of the succeeding year, and that on all sums voluntarily paid before that time he will add one per cent collection fees, and upon all taxes paid on or after said tenth day of January he will add four per cent collection fees. It shall be the duty of the city treasurer to be at his office from nine o'clock in the forenoon to five o'clock in the afternoon, each secular day, during the months of December, January and February, and shall receive payment of such taxes as may be offered to him. He shall collect for fees upon all taxes voluntarily paid to him before said tenth day of January one per cent and upon all taxes paid after said tenth day of January four per cent.

SEC. 11. The city treasurer with the consent of the council may appoint a deputy, who shall possess all the powers and may perform all the duties of the treasurer. Such city treasurer and his bondsmen shall be liable for all the acts and defaults of such deputy. Such deputy shall be paid by the treasurer. The treasurer shall have such powers and perform such duties, not herein particularly enumerated, as are conferred upon township treasurers by the general law of this State.

SEC. 12. The tax roll, with the warrant attached as herein provided, shall be delivered to the city treasurer, as hereinbefore provided, if security has been given by him as required by law, or in this act provided, and if such security shall not have been given, the council shall immediately appoint some suitable person, who shall give the required security, to collect the taxes spread on such tax roll, and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes and make return of his doings thereon, in the same manner, and shall have all the powers and perform all the duties, and be subject to the same liabilities as in this act conferred upon the city treasurer, for the purpose of the collection and return and paying over of said taxes. The city treasurer, or person authorized to collect taxes, as herein provided, may, in his discretion, proceed to collect the personal tax spread upon said roll at any time after the delivery to him of said roll.

SEC. 13. All the provisions of law respecting delinquent taxes levied in townships shall apply to all taxes, special assessments and charges created, ordered or levied in the city of Muskegon, and be returned as delinquent to the county treasurer. The city, in respect to taxes, special assessments and charges created, ordered or levied therein, and returned to the county treasurer as delinquent, shall, except as herein otherwise provided, be considered and treated as a township, and all provisions of law for the sale of lands, for the payment

of taxes levied for State, county and township purposes, returned delinquent, shall apply to the return and sale of property for the non-payment of delinquent taxes, special assessments and charges created, ordered or levied in the city of Muskegon, except as herein otherwise provided.

SEC. 14. No general or special tax, special assessments or charges created, ordered or assessed in said city, upon any property therein, shall be held illegal, or invalid, for any matter of form, in any matter not affecting the merits of the case, and which shall not injure or prejudice the rights of the party assessed; and all taxes and special assessments and charges [created] credited, ordered and assessed in said city shall be presumed to be legally assessed, until the contrary is affirmatively shown, and no such presumption shall be rebutted, or any sale for taxes, special assessments and charges created, ordered or assessed in said city, be rendered invalid by showing that any paper, certificate, return or affidavit required to be made and filed in any office, is not to be found in the office where the same ought to be filed or found, but until the contrary is proved the presumption shall be, in all such cases, that such paper, certificate, return or affidavit was made and filed in the proper office.

Not to be held  
illegal or invalid  
for matter of  
form, etc.

SEC. 15. The council shall have power to assess and collect from every male inhabitant in the city over the age of twenty-one, and under the age of sixty years, except paupers, idiots and lunatics, and other persons who are by law exempt, [an] and annual capitation or poll tax, not exceeding one dollar, and the council may provide by ordinance for the collection of the same. Any person assessed for such poll tax may pay the same by one day's labor upon the streets under the direction of the street commissioner. All money raised by such poll tax shall be expended under the direction of the council.

Poll tax.

## TITLE XI.

### SPECIAL ASSESSMENTS.

SECTION 1. The cost and expense of the following improvements, including the necessary lands therefor, viz.: Public buildings for the use of the city and its several departments, public wharves and landings, and lands appropriated for streets and rights of way, shall be paid from the proper general funds of the city. When by the provisions of this act the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessments upon lands fronting on and adjacent to or otherwise benefited by the improvement, such assessment may be made in the manner hereinafter specified.

Expense to be  
defrayed, how.

SEC. 2. For the purpose of making any special assessment the council shall designate one of the aldermen, who, together with the assessor and the city surveyor, shall constitute a

Board of assess-  
ors for making  
special assess-  
ment, who to  
constitute.

board of assessors. The compensation of such board shall be fixed and paid by the council.

Council to make improvements.

SEC. 3. Whenever the council shall determine to make any necessary public improvements, and defray the whole or any part of the expense thereof by special assessment, it shall so declare by resolution, stating the improvement and what part or portion of the expense thereof shall be paid by special assessment, and what part shall be paid from the general funds or from street district funds of the city, and it shall also designate the district of lands and premises, upon which the special assessment shall be levied: *Provided*, That at least twenty-five per cent of the cost of such improvement shall be paid from the proper general fund of said city, or from the proper street district fund: *And provided further*, That the cost of all repairs and reconstruction of any improvement shall be paid out of the proper general fund of the city.

Proviso.

Further proviso.

Council shall cause estimates of expense of improvements to be made.

SEC. 4. Before ordering any public improvement, any part of the expense of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and locality to be improved, and filed with the recorder for public examination; and the council shall give notice thereof, and of the proposed improvement, and of the district to be assessed therefor by publication in the official newspaper of the city for at least two successive weeks, and of the time when the council will meet and consider any objections thereto. If the owners of more than one-half of the

If the owners of more than one-half of the property to be assessed shall object, no improvement shall be made except on two-thirds vote.

property to be assessed therefor shall object in writing thereto, no such improvement shall be made, unless the council shall, by vote of two-thirds of the aldermen elect, order such improvement to be made. The cost and expense of such improvement shall include the cost of surveys, plans, assessments and cost of construction. In no case shall the whole amount to be levied upon any lot or premises for any one improvement exceed twenty-five per cent of the value of such lot or land as assessed upon the assessment roll for the preceding year. Any cost exceeding such percentage which would otherwise be chargeable on such lot or premises shall be paid from the proper general fund of the city. No special assessment to defray the estimated cost of any such improvement shall be levied before the letting of the contract for the making of such improvement.

Special assessment, board to state the amount.

SEC. 5. Whenever the council shall direct any special assessment to be made, they shall direct the same to be made by the persons named in section two of this title, and shall state therein the amount to be assessed, and shall describe or designate the lots and premises constituting the district to be assessed. Such assessment shall be made by frontages or benefits, as the council shall direct.

Board to make assessment roll.

SEC. 6. Upon receiving such directions, the board of assessors named therein shall make out an assessment roll, entering and describing therein all the lots and premises, and parts of lots, to be assessed, and the valuation thereof, and the

names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon and against such persons the amount to be assessed in the manner directed by the council. When such assessment is completed, they shall report the same to the council. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such lot or premises abutting or fronting upon the improvement bears to the whole frontage of all the lots or premises to be assessed; unless on account of the shape or size of any lot or premises an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot or premises from the improvement, and shall report the same to the council.

Assessment to be reported to council when completed.  
If assessment is according to frontage, how assessed.

If according to benefits.

SEC. 7. When any special assessment roll shall be reported by the board of assessors, the same shall be filed in the office of the recorder. Before adopting such assessment the council shall cause notice to be published for at least three weeks in the official newspaper of the city of the filing of said assessment roll, and appointing a time in said notice, when the council and board of assessors will meet to review the same. Any person objecting to such assessment may file his objections thereto in writing with the recorder.

Roll to be filed in office of recorder.  
Council to cause notice to be published before adopting.

SEC. 8. At the time so appointed, the council and board of assessors shall meet, and then or at some adjourned meeting review the assessment roll and consider any objections made thereto; the council shall correct the same, if necessary, and confirm it as reported or as corrected; or it may refer it back to the board of assessors for revision or annul it, and direct a new assessment, in which case the same proceedings shall be had, as in respect to the previous assessment. When a special assessment shall be confirmed, the recorder shall endorse a certificate thereof upon the roll, showing the date of confirmation.

Board to meet and review roll.

SEC. 9. When any special assessment shall be confirmed by the council, it shall be final and conclusive; but no such assessment shall be confirmed, except by the concurrence of two-thirds of all the aldermen elect.

When confirmed shall be deemed final and conclusive.  
Two-thirds vote required.

SEC. 10. All special assessments shall, from the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the person to whom assessed until paid.

Assessment to constitute a lien.

SEC. 11. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than four installments, one of which shall be collected each year, at such times as the council shall determine, with such annual interest as the council may determine, at a rate not exceeding eight per cent.

May be divided into installments.

SEC. 12. All special assessments, except such installments thereof as the council shall make payable at a future time, as

When to be payable on confirmation.

provided in the preceding section, shall be due and payable on confirmation.

When lots are divided, etc.

SEC. 13. Should any lots or premises be divided after a special assessment thereon shall have been confirmed, and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and premises so divided. The report of such apportionment when confirmed shall be conclusive on all the parties, and all collections thereafter made upon such lots or premises shall be according to such division.

When any portion shall be paid from general fund.

SEC. 14. Should any special assessment prove insufficient to pay for the improvement for which it was levied, and the expenses incident thereto, the amount of such deficiency shall be paid from the appropriate general fund of the city; and in case a greater amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

When council shall have power to cause new assessment to be made.

SEC. 15. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of any irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made, for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment. Whenever any sum, or any part thereof, levied upon any premises, in the assessment so set aside has been paid, and not refunded, the payment so made shall be applied upon the reassessment, and the reassessment shall to that extent be deemed satisfied.

Vacating special assessment not to destroy or impair lien.

SEC. 16. No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might have been lawfully assessed thereon.

When confirmed city accountant to spread as a tax.

SEC. 17. Whenever any special assessment shall be confirmed and be payable, the council may direct the recorder to report to the city accountant a description of such lots and premises as are contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and require said city accountant to levy and spread the several sums so assessed as a tax upon the several lots or premises to which they were assessed respectively. Upon receiving said report, the city accountant shall levy and spread the sums therein mentioned upon the respective lots and premises to which they are assessed, and against the persons chargeable therewith as a tax in the general assessment roll next thereafter to be made, in a column for special assessments, and thereupon

the amount so levied and spread in said general assessment roll shall be collected and enforced with the other taxes in the general assessment roll, and in the same manner, and shall continue to be a lien upon the premises assessed until paid, and when collected shall be credited to the proper funds.

SEC. 18. Whenever any special assessment shall be confirmed and be payable, as hereinbefore provided, the council, instead of requiring the assessments to be reported to the city accountant, as hereinbefore provided, may direct the assessment so made in the special assessment roll to be collected directly therefrom. And thereupon, the recorder shall make a certified copy of said special assessment roll, and the mayor shall attach thereto his warrant commanding the city treasurer to collect from each of the persons assessed in said roll, the amount of money assessed and set opposite his name therein, and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person, and to return said roll and warrant, together with his doings thereon, in sixty days from the date of such warrant. In case any assessment shall remain unpaid after the expiration of said sixty days no renewal of said warrant shall be necessary, but said warrant shall remain in full force and effect, and the treasurer shall have full power and authority to collect the same by virtue of said original warrant at any time, until such assessment shall be paid, or until said assessment shall be placed and levied upon the general assessment roll, as in this act provided. In case any assessment shall remain unpaid after the expiration of the said sixty days, the council may at any time thereafter direct the amount thereof to be levied and spread, together with interest thereon, at eight per cent per annum, upon the next general assessment roll, and thereupon the city treasurer shall certify to the city accountant a correct description of the lots and premises, upon which any such assessment or part thereof remains unpaid, together with the amount of such unpaid assessment, with the interest due thereon, and the name of the owner or occupant against whom the assessment was made; and thereupon it shall be the duty of the city accountant to levy and spread such assessment upon the general assessment roll, as hereinbefore provided.

When council may direct collection directly from roll.

Recorder to make certified copy, and mayor to attach his warrant commanding the treasurer to collect.

In case assessment remains unpaid after sixty days.

SEC. 19. Upon receiving said special assessment roll and warrant thereto, the city treasurer shall proceed to collect the amounts assessed therein, and on all sums paid at his office within thirty days from the time the rolls come into his hands for collection, no collection fee shall be added, and upon all amounts paid after the expiration of said thirty days, he shall add and collect four per cent as collection fees. To all amounts, paid after the expiration of sixty days from the time the roll came into his hands for collection, he shall add and collect interest at the rate of eight per cent per annum. Such collection fees and interest shall be an additional charge upon the lots or premises assessed, and against the persons chargeable therewith, and said interest shall be paid into the city

Treasurer to collect.

To collect interest.

When to levy  
and collect by  
distress.

Sale to be at  
public auction.

May be collected  
by suit.

In case of  
irregularity.

Bringing suit  
not to be deemed  
a waiver of the  
lien.

treasury and credited to the highway fund. If any person shall neglect or refuse to pay his assessment upon demand, the city treasurer shall levy and collect the same by distress and sale of the goods and chattels of such person, found within the city or elsewhere within the county, to an amount sufficient to pay such assessment, fees, interest and charges for subsequent sale. Such sale shall be at public auction, on giving public notice of the time and place of such sale for at least six days previous thereto, by posting written or printed notices in three public places in the city or township where such property may be found. The proceeds of such sale or so much thereof as shall be necessary for that purpose, shall be applied on the payment of the assessment, and a percentage of five per cent for costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the party entitled thereto.

SEC. 20. At any time after any special assessment has become due and payable, the same may be collected by suit, in the name of the city against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll, and a certified copy of the order or resolution confirming the same, shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

SEC. 21. If in such action it shall appear that by reason of any irregularities or informalities the assessment has not been properly made against the defendant, or the lot or premises sought to be charged, the court, nevertheless, on satisfactory proof that the expense has been incurred by the city, which is a proper charge against the defendant or the lot or premises in question, shall render judgment for the amount properly chargeable against such defendant or upon such lot or premises.

SEC. 22. The bringing of any such suit by the city shall not be deemed a waiver of the lien created by this act, nor of the right to enforce the same in the manner provided therefor.

## TITLE XII.

### APPROPRIATION OF PRIVATE PROPERTY.

Purposes for  
which private  
property may be  
taken for pub-  
lic use.

SECTION 1. Private property may be appropriated for public use for the purpose of opening, widening, altering and extending streets, alleys, avenues, for the construction of bridges, for buildings and structures for the fire department, for public grounds, parks, market places and spaces; for public wharves, docks, slips, basins and landings, improvement of water courses, sewers, drains, ditches and outlets and discharges for the same; for water works and necessary public buildings, hospitals, pest houses, quarantine grounds, public cemeteries, for gas and electric light plants, and for other law-



ful and necessary public uses. But such property shall not be taken therefor, without the consent of the owner, unless the necessity for taking and using the same, and the just compensation to be made therefor and to be actually paid, or to be secured in the manner in this act provided, shall be determined by a jury of twelve freeholders residing in the city. Nor shall any improvement requiring the taking and using of private property be ordered except with the concurrence of two-thirds of all the aldermen elect. The council may, however, acquire such property by negotiation and purchase.

*How taken.*

*May acquire by purchase.*

SEC. 2. When the council shall deem it necessary to make any public improvement, requiring the taking or using of private property, not acquired by purchase, it shall so declare by resolution, describing the proposed improvement, and each parcel of land designed to be taken, giving the names of the owners and persons interested therein, so far as known, and shall in the same resolution designate a justice of the peace of said city, to whom application will be made, at a time and place therein to be stated, for the impaneling of a jury to ascertain the necessity of using said land and the just compensation to be made therefor.

*Proceedings when seizure is necessary.*

SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice, and notice of the time and place of making said application shall be given, by publishing the same, together with a copy of said resolution, for three weeks, in one of the newspapers of said city (if personal service on all parties interested cannot be had), the first publication of which shall be at least thirty days before the time fixed for the application. A copy of said notice and resolution shall be served personally by the chief of police, or by his deputy, at least two weeks before the time for hearing said application, upon each owner, and persons interested in said lands, so far as known, and upon the guardian of any minor or incompetent person interested therein, if to be found within the city, or elsewhere in the county of Muskegon, and if any such guardian, owner or person interested shall not be found within the city, or said county, a copy of said notice and resolution shall be posted upon the premises to be taken, the same length of time before making said application, and a return by the chief of police or his deputy of the service of said notice and resolution (which return shall be conclusive as to the matters therein stated) and an affidavit of publication of said notice and resolution shall be filed with the said justice before or at the time of making said application. After the publication and service of said notice and resolution as aforesaid, the owners and all persons interested in any of the lands to be taken for said improvement shall take notice of and be bound by all the subsequent proceedings without further notice, except as herein otherwise provided.

*Notice of application for jury.*

*Service of.*

*Return by officer, when and where filed.*

*Effect of notice.*

SEC. 4. At the time appointed therefor in said notice and resolution, or at such other time as the proceedings shall be adjourned to by said justice, he shall, upon the application of

*Impaneling of jury.*

the city attorney, cause the chief of police, or his deputy, to make a list of the names of twenty-four disinterested freeholders, residing in said city, competent to serve as jurors. From said list the city attorney shall strike off six names, and the owner or owners and persons interested in said lands shall strike off six names, or upon their failure to do so, the justice shall strike off such names for them; and thereupon the said justice shall issue a *venire*, directed to said chief of police, to summon the twelve persons, whose names remain upon said list, to appear before said justice, at a time and place in said *venire* to be named, not less than two nor more than six days from the date thereof, to make a jury, to inquire of and determine the matters referred to in said resolution; and shall then adjourn the further proceedings in the matter, to the return day of said *venire*. Said *venire* shall be served by the chief of police or his deputy, as in other cases of *venire*. Said jurors shall be liable for non-attendance, the same as jurors summoned to appear in justice courts, and may be excused for the same causes.

Jury liable for non-attendance.

In case of infant or incompetent person.

SEC. 5. At the time of making the application to the justice for the impaneling of the jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian, appointed under the laws of this State; but if there should be no such guardian or if no such guardian shall appear, to represent such infant or incompetent person, the justice, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem* to protect the interests of the person for whom he is so appointed.

Completing panel of jury.

SEC. 6. If upon the return day of said *venire* a sufficient number of competent jurors shall not appear in answer to the summons, or if any shall be excused or set aside, the justice shall require the chief of police or his deputy to summon immediately a sufficient number of other competent freeholders of said city, until a panel of twelve qualified jurors shall be obtained. Each party and the persons having an interest in any of the lands shall have the right to challenge any juror for cause, and the justice shall determine as to the competency of the jurors. Such jury shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolution, and, if taken, to determine and award to each person entitled thereto a just compensation to be allowed for his or her interest in the land so taken.

Rights of challenge.

Oath of jurors.

Copy of notice, etc., to be given to jury.

SEC. 7. When the jury shall have been sworn, the city attorney shall deliver to them a copy of the said notice and resolution of the council and a map or plat of the proposed improvement, showing the location and boundaries of each parcel of land sought to be taken and its position in relation to adjoining lands; and any person claiming an interest in any of the land sought to be taken although not named in said resolution as owner or party interested, may then file with the justice a statement of his interest in and a description of the

Any person claiming an interest in property sought to be taken may file statement with justice.

property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

SEC. 8. The jury shall then, or at such other time as the justice shall direct, proceed to examine the premises sought to be acquired and testimony may be produced before them, under the direction of the court, as in cases of ordinary jury trials before justices of the peace, so far as applicable, and upon the close of the testimony the justice may instruct the jury as to the provisions of this act relating to their duties. Jury to examine premises.

SEC. 9. The jury shall consider upon each parcel of land described in the resolution of the council, separately. If they shall find it necessary to take the same for the purpose of said improvement, they shall so determine, and shall award the compensation to be made therefor. If only a part of any lot or parcel shall be taken, they shall estimate the whole damages occasioned thereby, and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement, and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or parcel of land, as owners mortgagees, lessees, or otherwise, the jury shall apportion to each such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate. Determination and award of. Benefits to be considered.

SEC. 10. The jury shall make a report of their determination and award in writing; they shall describe therein each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the whole amount of damages occasioned by taking the same; deducting therefrom, if any, for special benefits arising from the improvement to the remainder of the lots or premises from which the part appropriated is taken, and the net amount awarded as damages and compensation therefor, the name of the owner, and of any persons having separate claims thereon, by mortgage, lease or otherwise, to whom said damages are awarded, and the amount awarded to each, and the date and description of any mortgage, lease or lien, by virtue of which such claim is made. When conflicting claims are made to any damages awarded, the jury, without deciding between the claimants, shall report the fact, the names of such claimants, and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the justice within ten days after the impaneling of the jury. Report of determination. When conflicting claims are made.

SEC. 11. The city attorney shall give such assistance to the jury in making up their report as they may require. The justice shall enter said report and all the proceedings had in the cause before him, in his docket. City attorney to give assistance to jury.

SEC. 12. A disagreement of the jury as to one or more distinct parcels of land shall not affect the awards and reports upon which they have agreed, and upon any such disagree- When new jury may be impaneled.

ment, the justice may, upon the motion of the city attorney, impanel a new jury in the same manner as provided for drawing the original jury, and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree, and a new jury may in like manner be had as often as necessary. If any juror, after being impaneled as aforesaid, and before the hearing, shall be unable to discharge his duties, the justice may appoint another in his place, who shall have the like qualifications and be sworn and exercise the same duties as the other jurors of the panel.

Copy of report  
to be filed with  
recorder.

Judgment of  
confirmation.

SEC. 13. Upon filing the report and award made by the jury with said justice, a copy thereof, certified by such justice, shall be filed with the city recorder, and at any time thereafter within forty days after the impaneling of the jury making the report, the justice, upon the application of the city attorney, shall enter judgment of confirmation of the determination and award therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and that award shall be at an end, and a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time prescribed in the next section.

Appeal to circuit  
court.

SEC. 14. Any party aggrieved by the judgment of confirmation mentioned in the preceding section, may, within ten days after the entry thereof, appeal therefrom to the circuit court for the county of Muskegon, by filing with the justice a claim of appeal in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond to the city in a penal sum of not less than three hundred dollars, with sureties to be approved by the justice, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him in the circuit court, and by paying the justice the sum of three dollars for making his return to the appeal.

Filing of trans-  
cript of docket,  
etc., with clerk  
of court.

SEC. 15. At the time of filing said claim of appeal the appellant shall present to the justice a statement in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof and of the claim of appeal upon the city attorney, who may propose amendments to said bill. Within ten days after said bill is presented, said justice shall, according to the facts of the case, correct and sign the same, and within ten days thereafter the said justice shall make a certificate and return to said bill, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered

therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal, and said bill of exceptions, and file the same with the clerk of said circuit court.

SEC. 16. Upon filing the return of the justice as mentioned in the preceding section, the circuit court shall have jurisdiction of the cause, and upon the hearing thereof, shall first consider the errors alleged in said claim of appeal, and, if the proceedings are found to be invalid as to the party appealing on account thereof, the court shall remand the case, so far as affects the appellant, to said justice, and a new jury may be called and the like proceedings had as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term upon the question as to the amount of damages to be awarded, but the finding of the jury before the justice as to the necessity of taking the land shall be held conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any manner affect said judgment as to the other persons interested therein, who do not appeal.

Jurisdiction of court.

May remand case to justice.

When parties may proceed to trial.

Appeal of one or more persons.

SEC. 17. Upon any dismissal of the appeal or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and right of the city to take and appropriate the lands of the appellant for the purposes mentioned in the resolution of the council, and unless the appellant shall recover judgment for at least ten dollars more than the amount awarded to him before the justice, he shall pay costs to the city, otherwise the court shall award such costs to him as shall be just.

Judgment.

Costs.

SEC. 18. Certified copies of any judgment of confirmation of the circuit court, or of the justice of the peace after the same has become final, and of the report of the jury thereby confirmed shall be filed with the recorder of said city and recorded in a book of records kept for that purpose, and when so recorded shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired and confirm the same.

Record and copies of judgment evidence of regularity of proceedings.

SEC. 19. Within six months after the judgment of confirmation by the circuit court, or after the judgment of confirmation by the justice shall become final, the council may pay or tender, out of any appropriate fund or funds, to the respective persons, the several amounts of damage and compensation awarded to them, as finally confirmed. And in case the person or persons to whom the same has been awarded shall refuse the same, be unknown, or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded with a statement of the facts relating thereto in the treasury of the city, to the credit of the person or persons entitled thereto, and the same shall be paid on demand of the

Payment of damages, etc.

person entitled to receive it. No delay in making any award of damages, or in taking possession of any property shall be occasioned by any doubt as to the ownership of the property or as to the interest of the respective parties making claim thereto.

When right to occupy the property shall be vested in the city.

SEC. 20. Upon the payment, tender or deposit mentioned in the preceding section, the fee of the land sought to be taken, with the appurtenances and the right to occupy the property sought to be used, shall vest in the city, and the council may convert and use the same. A certificate of the city treasurer of such payment, tender, or deposit, or a record of such certificate in the book of records of the recorder, or a certified copy thereof, shall be presumptive evidence of the matters therein stated, and of the ownership of the city in fee in the lands and property taken.

Where subject to lease, etc.

SEC. 21. In all cases, where any real estate, subject to lease or agreement shall be taken for public use, all the covenants and stipulations therein shall end, upon the judgment of the confirmation in the circuit court, or upon the confirmation by the justice, when the same shall become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

### TITLE XIII.

#### SEWERS, DRAINS AND WATER COURSES.

Establishment and construction of.

SECTION 1. The council may establish, construct and maintain sewers and drains, and improve water courses, whenever and wherever necessary, and of such dimensions and material, and under such regulations as it may deem proper, for the drainage and sewerage of the city.

Plan for drainage.

SEC. 2. Whenever it shall become necessary, in the opinion of the council to provide sewerage, drainage, or to improve water courses for the city, or any part thereof, it shall be its duty to devise or cause to be devised a plan for such drainage or sewerage.

Division of city into districts.

SEC. 3. Such plan shall, in the discretion of the council, be formed with a view to the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections; the districts to be so numbered and so arranged, as to be as nearly independent of each other as may be. Plats and diagrams of such plans, when adopted, shall be filed in the office of the recorder.

Plats and diagrams to be filed in office of recorder.

Special sewer districts, what to include.

SEC. 4. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers, connecting with the main sewer, and shall include in such districts such lands as, in the opinion of the council, will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more local or branch sewers, and

such lands as in the opinion of the council will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

SEC. 5. The council may, however, provide for main or trunk sewers, without reference to sewer districts, diagrams or plats of which shall be filed in the office of the recorder.

Council may provide for main or trunk sewers without reference to sewer districts.

SEC. 6. The cost and expenses of establishing and maintaining any main or trunk sewer, constructed without reference to sewer districts, shall be paid out of the general sewer fund. Such part as the council shall determine, being not less than twenty-five per cent of the cost and expense of any main district sewer, or of the cost of any lateral, branch or local sewer, constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such cost and expense shall be defrayed by a special assessment upon all the taxable land and premises included within such sewer district, in proportion to the estimated benefit accruing to each parcel respectively, from the construction of the sewer. Assessments according to benefits, as aforesaid, shall be made without reference to any improvements or buildings upon the lands.

Costs of main sewers to be paid from general fund.

SEC. 7. Before proceeding to the construction of any sewer, any portion of the cost of which is to be paid by special assessment, the council shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, lots and subdivisions thereof in the district, and the proposed route and location of the sewer, and the depth, grade and dimensions thereof, and shall cause an estimate of the cost thereof to be made. The council shall give notice by publication for at least two weeks in the official newspaper of the city of the proposed construction of such sewer, and where such diagram and plat may be found for examination, and of the time when the council will meet, and consider suggestions and objections with respect to such sewer that may be made by parties interested.

Diagram and estimate of cost of sewers to be built.

Notice of intention to construct sewer.

SEC. 8. When the council shall determine to construct any such district sewer, it shall so declare by resolution, designating the district, and describing by reference to the plat and diagram thereof mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expense of the sewer shall be paid from the general sewer fund (being not less than twenty-five per cent), and what part shall be defrayed by special assessment, according to benefits. All maps, plats and diagrams, when finally adopted, shall be filed in the office of the recorder.

Council to declare by resolution, what to state.

SEC. 9. Special assessments for the construction of sewers shall be made in the manner provided in this act for making special assessments.

Special assessments.

SEC. 10. When the owners of a majority of the lands, liable to taxation in any sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer therein, and if the lands included in the line of such proposed sewer are not within any sewer district, a district

When owners of majority of the land liable to taxation petition for sewer council shall construct.

shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.

Council may require owners or occupants to construct private drains.

SEC. 11. Whenever the council shall deem it necessary for the public health it may require by resolution the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises, and to keep such private drains in repair, and free from obstruction and nuisance; and, if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon, or may be assessed upon the general assessment roll as in this act provided.

Shall have the right to connect with public sewers.

SEC. 12. The owners or occupants of lots and premises shall have the right to connect the same by means of private drains with public sewers and drains at their own expense, under such rules and regulations as the council shall prescribe.

Cost of ditches and improving water courses, how defrayed.

SEC. 13. Such part of the expense of providing ditches and improving water courses as the council shall determine may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits.

Expense of repairing, etc., to be paid from general fund.

SEC. 14. The expenses of repairing and reconstructing public sewers, ditches and water courses shall be paid from the general sewer fund

## TITLE XIV.

### STREETS, SIDEWALKS AND PUBLIC GROUNDS.

Council to have control of all highways, streets, bridges, etc.

SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city, and shall cause the same to be kept in reasonable repair.

City not to be responsible for care of streets, etc., until accepted by the city.

SEC. 2. The city shall not be responsible for the care, improvement or repair of streets or alleys, laid out or dedicated to public use by the proprietors of any land, until such street or alley has been actually accepted by the city or open to and used by the public for the term of three years.

Authority of council to lay out, open, widen and extend streets.

SEC. 3. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate or abolish any highway, street or alley in the city, whenever it shall deem the same a public improvement, and if in doing so it shall be necessary to take or use private property, the same may be taken in the manner provided in this act for taking private property for public use. The expense of such improvement shall be paid from the proper general fund of the city.

Expense of, how paid.

SEC. 4. When the council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or



any part thereof, it shall by resolution so declare, and in the same resolution shall appoint a time, not less than four weeks thereafter, when it will meet and hear objections thereto. Notice of such meeting shall be given by publishing a copy of said resolution not less than four weeks before the time appointed for such meeting, in the official newspaper of said city. If, at any time thereafter, the council shall by two-thirds vote of all the aldermen elect by resolution declare such highway street, alley or public ground vacated, discontinued or abolished, the same shall be deemed vacated, discontinued or abolished.

Council to declare by resolution when deemed advisable to vacate streets, alleys, public ground, etc.  
Notice to be given by publishing in newspaper.

SEC. 5. The council may cause all public streets, alleys and public grounds to be surveyed, and it may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the recorder in a book of street records, and it shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended, dedicated and accepted and confirmed by the council to be recorded in like manner, and such record shall be *prima facie* evidence of the existence of such streets, alleys or public grounds mentioned therein. Every resolution discontinuing or vacating any street, alley or public ground shall also be recorded in said book of street records, and the record thereof shall be *prima facie* evidence of the matters therein set forth.

Council may cause all streets, alleys, and public grounds to be surveyed.

Resolutions discontinuing streets, etc., to be recorded in book of street records.

SEC. 6. The council shall have authority to determine and establish the grades of all streets, avenues, alleys and public grounds within the city, and to require improvements and buildings adjacent or abutting upon such streets, alleys or grounds to be made and constructed in conformity therewith, and may change or alter the grade of any street, alley or public ground, or of any part thereof, whenever in its opinion the interests of the public will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the recorder.

Authority of council to establish grades.

SEC. 7. Whenever any street or alley shall have been graded or paved in conformity to grades established by authority of the city and the expenses thereof shall have been assessed upon lots or lands bounded by or abutting upon such streets or alleys, the owner or owners of such premises shall not be subject to any special assessment occasioned by any subsequent change of grade in such street or alley, unless such change be asked for by a majority of the owners of such lots or lands. The expense of all improvements occasioned by such change of grade shall be paid by the city.

When graded not to be subject to special assessment for change of grade.

SEC. 8. If damage shall result to any owner by change of the established grade of any street, alley, sidewalk, wharf or landing, the council may in its discretion levy and collect the amount thereof by special assessment upon the lots and premises benefited thereby, equal to the extent of such benefits, and pay the amount so collected to the party entitled thereto,

If damage results from change of grade council may assess property benefited to pay same.

but the city shall incur no liability by reason of anything in this section contained.

Power and duty of council to prescribe width and location of streets, etc.

SEC. 9. The council shall have power, and it shall be its duty to prescribe by resolution the width, direction and location of all streets, alleys and public grounds of any proposed plat, or subdivision of land, within the city, and to that end any proprietor of land, intending to lay out, divide and plat the same into lots, blocks, public grounds, streets and alleys, or otherwise, shall file with the recorder a correct survey, plan and map of such land, showing all the subdivisions thereof, and all streets, alleys and public grounds intended to be dedicated to the public, and also the relative position and location of such lots, blocks, streets, alleys and public grounds, with respect to adjacent premises and streets of said city. If such proposed plan and map meet the approval of the council, in regard to the streets, alleys and public grounds thereof, such approval shall be declared by resolution, and the fact of such approval, and the date thereof, shall be endorsed thereon by the recorder, under the corporate seal of the city. If such plan and map be not so approved, the council shall within sixty days after such filing with the recorder, prescribe by resolution the width, direction and location of such streets, alleys and public grounds, or any of them, and the proprietor of such proposed plat shall cause such plan and map to conform to such resolution, whereupon such map shall be approved by the council and endorsed as aforesaid. If the council fail to approve any plan or map so filed, or to prescribe any changes therein in manner aforesaid for the space of sixty days after the same has been filed with the recorder, such failure shall be deemed an approval thereof in all respects, and the recorder shall endorse such fact thereon under the corporate seal of the city, which shall have all the force and effect of a regular approval by the council. No such plat shall be valid or be recorded in the office of the register of deeds for the county of Muskegon until it shall have been endorsed by the recorder in manner aforesaid. Such proprietor shall, within twenty days after such plan and map shall have been approved as aforesaid, file a certified copy thereof with the recorder for the use and benefit of the city. Such approval shall not in any manner be deemed an acceptance by the city of such streets, alleys and public grounds.

If approved by council, recorder to endorse date of thereon.

If not approved.

If council fails to approve in sixty days it shall be deemed approved.

When city not to be liable for damages.

SEC. 10. The city shall not be liable to any person for injuries received by him or his property in consequence of any sidewalk or crosswalk in said city not being kept clear of snow and ice, nor shall the city be liable to any person for injuries received by him or his property in consequence of any defect in or upon any sidewalk, crosswalk or street, unless it shall be shown that the defect occasioning the injury had existed thirty days prior to said injury, or unless the city had had actual notice of the existence of said defect five days before the injury occasioned thereby was received.

SEC. 11. The council shall have power to grade, pave, plank, gravel, curb, and otherwise improve and repair the streets, avenues, lanes and alleys of said city, and for that purpose and for defraying the expenses thereof may divide the city into street districts. The term paving shall be deemed to include the construction of crosswalks, gutters and curbing.

Power of council to grade, pave, and improve streets, etc.

SEC. 12. At least twenty-five per cent of the cost and expense of improving any street, lane or alley by grading, paving, planking, graveling, and curbing or otherwise, shall be paid from the general highway fund or from the street district fund of the proper street district, or in part from each, and the remainder, or so much thereof as the council shall determine, may be defrayed by a special assessment upon lots and premises included in a special assessment district, to be constituted of the lands fronting on or adjoining that part of the street or alley so improved, or proposed so to be, or constituted of lands fronting upon such improvement and such other lands as in the opinion of the council may be benefited by the improvement.

At least twenty-five per cent to be paid from highway fund or street district fund.

SEC. 13. The expense of making any such public improvement in front of any property belonging to the city shall be paid out of the general highway fund: *Provided*, That the cost of all repairs and reconstruction of any public improvement shall be paid out of the proper general fund of the city.

Expense of improving in front of property belonging to the city, how paid. *Proviso*.

SEC. 14. The council shall have control, except as in this act otherwise provided, of all the sidewalks in the public streets and alleys of said city, and may prescribe the width and grade thereof, and change the same when necessary. It shall have power to construct and maintain sidewalks and crosswalks in the public streets and alleys, and charge the expense thereof upon the lots and premises adjacent to and abutting upon such walks.

Council to have control of sidewalks.

SEC. 15. The council shall have authority to require the owners and occupants of lots and premises to construct sidewalks in the public streets and alleys adjacent to and abutting upon such lots and premises, and to keep them in repair, and to construct and lay the same upon such lines and grades, and of such width and materials, and in such manner, and within such time, as the council shall by ordinance or resolution prescribe. The council shall have power to prescribe the kind and material of which all sidewalks shall be constructed, to provide by ordinance limits or districts within which sidewalks shall be built of stone, concrete, cement or of other durable substances, aside from wood or plank.

Authority of council to require owners to construct sidewalks.

Power of council to prescribe material to be used.

SEC. 16. The council shall have power to require the owners and occupants of any lot or premises to remove snow and ice from the sidewalks, in front of or adjacent to such lots and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth and other nuisances.

Power of council to require owner or occupant to remove snow and ice from walks.

SEC. 17. If the owner or occupant of any lot or premises shall fail to construct, repair or maintain any sidewalk as mentioned and prescribed in the last two sections, or shall fail to

When council may cause the same to be done at the expense of owner.

keep the same free from snow, ice and filth, or fail to remove and keep the same free from obstructions, encroachments, incumbrances or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalk within such time and in such manner as the council shall require, said council may cause the same to be done at the expense of such owner or occupant, and the amount of all such expenses incurred by the council shall constitute a lien upon the lot or premises, from the time the expenses are so incurred, and may be assessed and collected against said lot or premises in such manner as the council shall by ordinance prescribe.

When suit may be brought for cost of constructing sidewalks.

SEC. 18. When any such sidewalk shall have been constructed or repaired by the city, under the provisions of the preceding section, suit may be brought for the cost and expense thereof in the name of the city against the owner or occupant of such lot or premises, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action, a declaration upon the common counts for money paid shall be sufficient: *Provided*, That the bringing of such action shall not be deemed a waiver of the lien herein mentioned and of the right to enforce the same, as herein provided.

Previo.

When liable for damages for injury received.

SEC. 19. If the owner, occupant or person in charge of any lot or premises shall neglect to repair any sidewalk in front of or adjacent to such premises, or to remove any snow or ice therefrom, or to keep the same free from obstruction and encumbrances in accordance with the requirements of the ordinances and regulations of the council, he shall be liable to the city for the amount of all damages, which shall be recovered against the city for any accident or injury occurring by reason of such neglect.

## TITLE XV.

### ISSUE OF BONDS.

Council to declare by resolution when deemed necessary to issue bonds, amount and purpose of.

SECTION 1. Whenever the council shall deem it necessary to issue the bonds of the city for any purpose, except as provided in title nine of this act, it shall so declare by resolution, specifying the amount of and purpose for which it is proposed to issue said bonds, when said bonds are to mature, and the rate of interest thereon and the time when and the place where an election will be held to authorize the issue of said bonds, which time shall not be less than twenty days from the adoption of said resolution.

Resolution to be published.

SEC. 2. The council shall cause said resolution to be published in the official newspaper of said city each day for at least fourteen days, and copies thereof shall be posted in at least three public places in each voting precinct.

Inspectors and clerks of election to be appointed.

SEC. 3. The necessary inspectors and clerks of election shall be appointed in the manner provided for in this act. The votes cast at such election shall be by ballot, and the election shall be conducted and the votes canvassed and returns

thereof made in the same manner, as near as may be, as other elections under this act. The ballots used at such elections shall bear upon their face the following: "For the issue of bonds—Yes," "For the issue of bonds—No."

What ballots shall state.

SEC. 4. Whenever the council shall be authorized by a vote of the electors of said city, as aforesaid, it may issue the bonds of said city for the amount so authorized, and provide for the payment of principal and interest thereon, and for that purpose shall assess, levy and collect on the assessed value of all the real and personal estate in said city made taxable by the laws of this State, taxes not to exceed in amount a sufficient sum to pay the interest accrued or to accrue, and the principal becoming due on said bonds for the year for which said taxes are levied.

When authorized council may issue bonds and provide for payment of interest and principal.

SEC. 5. All bonds issued under the provisions of this title shall be numbered consecutively, and in such manner as to distinguish them from bonds which may be issued under the provisions of title nine of this act.

Bonds to be numbered consecutively.

SEC. 6. Whenever the council shall deem it expedient, it may provide additional places for holding elections under the provisions of this title, and designate the districts thereof.

Council may provide additional places for holding elections.

SEC. 7. The issue of bonds under the provisions of this title shall not at the time of issue of any part thereof, exceed in the aggregate ten per cent of the value of the assessable property in said city, as shown by the tax roll for the preceding year.

Issue of bonds not to exceed ten per cent of assessable value of property.

## TITLE XVI.

### BOARD OF PUBLIC WORKS.

SECTION 1. There shall be created and constituted for the city of Muskegon, subject to the provisions of this act, a board of public works, composed of the mayor, who shall be *ex officio* a member and president thereof, and six commissioners, who shall serve without compensation. Said commissioners shall be appointed by the mayor, by and with the consent of the council, in the manner provided in this act. Their term of office shall be three years. A majority of said board shall constitute a quorum for the transaction of business, but a majority of all members of said board shall be necessary to decide any question before the same.

Board of public works, who to constitute.

Term of office. Quorum.

SEC. 2. No person shall be eligible to appointment as such commissioner, unless he shall at the time of such appointment be an elector of said city. Nor shall any person, except the mayor, be eligible, who holds any municipal office, elective or appointive, and any commissioner shall be considered as vacating his office in the event of his accepting or holding any such office. No member of said board shall be directly or indirectly interested in any contract for any public work in said city, nor in the purchase, sale or disposition of any material to be used or applied in or about any public work, improvement, or for the use of or belonging to said city.

No person shall be eligible for appointment unless he shall be an elector.

No member of board to be interested in any contract for public work.

To continue in office.

SEC. 3. The commissioners of said board now holding office shall continue in office for the term for which they were severally appointed. Subsequent appointments of commissioners shall be made in accordance with the provisions of this act.

May be removed by two-thirds vote.

SEC. 4. Any member of said board may at any time be removed by a vote of two-thirds of the council of said city for sufficient cause, and the proceedings thereupon shall be entered upon the journal of the council: *Provided*, That the council shall previously cause a copy of the charges preferred against said member, and notice of the time and place of hearing the same, to be served on him at least ten days before the time so assigned, and opportunity given him to make his defense. The mayor shall have the right to vote upon the question of such removal.

President pro tem.

Clerk of board.

Votes to be by yeas and nays.

Power of board to make by-laws, etc.

Power and responsibility of the board of public works.

SEC. 5. Said board shall elect one of their number president *pro tem*. of said board, who, in the absence of the mayor, shall act as president. The recorder shall be the clerk of said board, and of all committees thereof, and shall keep a full and complete record of its meetings and of all business transacted by it. All votes taken shall be by yeas and nays, except motions to adjourn, and to refer any petition or matter to a committee thereof, and shall be entered upon the record; said record shall at all times be open to public inspection, and an abstract thereof published within one week after each session in the official newspaper of the city. The board shall have power to make all such by-laws, rules and regulations as may be necessary or expedient for the conduct of its business. It shall have power to fix the duties and at any time to suspend or discharge any of its appointees or employes, and appoint or employ others in their place, as to said board the public interest may seem to require. It shall be the duty of the council to provide an office for the use of said board, wherein it may hold its meetings and transact its ordinary business.

SEC. 6. The said board of public works is hereby charged and entrusted with the following duties, powers and responsibilities, viz. :

#### PUBLIC IMPROVEMENT AND WORKS.

Said board shall (after such public improvements have been first duly ordered by the council) have supervision and charge of the construction and repair of all crosswalks, sidewalks, culverts, bridges docks, fountains and reservoirs; the construction, repair and extension of all main and lateral sewers and drains; the erection, alteration and repair of all engine houses, police stations and public buildings of every description in said city, except schoolhouses; the deepening and cleaning of ditches and gutters; the cleaning, repairing, grading, paving, planking, graveling or covering with other material the streets and alleys of said city; the laying out and improvement of parks and public grounds; and shall in addition thereto exercise such other powers and perform such other duties in the

superintendence, construction and care of public works and improvements as the council shall from time to time direct: *Provided*, That said board shall in no case order or make repairs or improvements, under the provisions of this section where the estimated cost of such repairs or improvements shall exceed the sum of two hundred dollars until the council shall have first authorized such work to be done.

SEC. 7. Whenever the council shall have decided upon the making of any repairs or public improvement it shall so declare by resolution, and in such case the board of public works with all convenient dispatch shall recommend the kind of materials to be used, and estimate the quantity thereof, and estimate in detail the probable cost and expense of such improvement or repairs and of the materials to be used therein and make a record thereof in its office and cause to be prepared so far as necessary plans and specifications of such improvement and report its recommendation and estimate to the council. When such plans and specifications have been submitted to the council, and adopted or modified by it, the board of public works shall, where the estimated cost of such improvement exceeds the sum of two hundred dollars, advertise for proposals for the furnishing of materials, and the performance of such work, and may require all bidders to furnish security for the performance of proposals tendered, if the bid be accepted, and also security for the performance of any contract awarded. All bids submitted to said board shall be publicly opened, and as soon as may be thereafter reported by said board, with its recommendations to the council. No contract shall be made or entered into by said board until it is thereunto duly authorized by the council.

*Provided*.

Board to recommend kind of materials to be used, etc.

To advertise for proposals.

No contracts shall be entered into until authorized by the council.  
All contracts to be made in the name of the city of Muskegon.

Rights reserved by board.

SEC. 8. All contracts made by said board shall be in the name of the city of Muskegon and after approval thereof as to form and phraseology endorsed thereon by the city attorney shall be executed by the mayor and recorder and when made, such board shall in behalf of the city have direction of the performance thereof. The board shall reserve the right in all contracts to determine all questions as to the proper performance of the same and as to the completion of the work specified therein, and in case of improper delivery or imperfect performance thereof to suspend work at any time, and to order the reconstruction of the same, if improperly done, to relet the work covered by said contract, or any unfinished portion thereof, or by its employees, to take possession, and complete the same at the expense of the contractor. It shall also have the right, and it shall be its duty, by proper provisions in all contracts, to retain an amount from the contract price sufficient to pay and discharge all debts incurred by the contractor for labor performed or materials furnished, and upon the failure of the contractor to pay the same to make payments thereof to the parties entitled thereto and charge the amount so expended to said contractor. In case of the breach of any such contract, or of the improper performance of the same, it

shall be the duty of said board to report the same to the council.

Board to appoint street commissioner.

SEC. 9. Said board shall annually, on the first Monday in May in each year, or as soon thereafter as may be, appoint a street commissioner, who shall have the personal supervision of the construction and repair of all grading, paving, improving, cleaning and care of streets, alleys and public grounds, the construction and repair of sidewalks, the cleaning and deepening of ditches, drains and gutters, and shall oversee and do whatever may be required of him in relation thereto by said board. He shall hold his appointment during the pleasure of the board not exceeding one year, unless reappointed. He shall make a report to said board, in writing, and under oath, once in each month, giving an exact statement of all labor performed by him or under his supervision, and charges therefor, the amount of material used, the expense thereof, and the street or place where such material was used or labor performed, and showing the items and purpose of all expenses incurred since his last preceding report, and no payment for labor or for services performed or for expenses incurred shall be made until reported as aforesaid. Said board may recommend, but the council shall fix and determine the compensation of said street commissioner.

To make report in writing, what to state.

Board shall classify work under its control and keep an accurate account of the cost.

SEC. 10. Said board shall classify the various work under its control, and keep an accurate account of the cost of each, and of the amount expended for the construction, repairs, superintendence and salaries of employees, and also detailed accounts of all other matters, under its charge and control, and between the twenty-fifth day of March and the first day of April in each year, and oftener if required by the council, submit to said council a statement showing in detail the progress and condition of all public improvements commenced or carried forward by said board, the character and amount of all contracts made through said board, the moneys earned thereon, and all other information necessary to a full understanding of the business conducted by said board. The board shall from time to time make estimates of the amounts earned and payable upon any contract or work done, and materials furnished, and report the same to the council, and thereupon it shall be the duty of the council, without unreasonable delay, to order payment thereof from the proper funds of said city.

Board to make estimates from time to time of the amount of work done and material furnished on contracts and pay the same.

Board to keep a "complaint book."

SEC. 11. Said board shall keep in its office, in some convenient and suitable place easy of access, a book called "A complaint book," in which any person may enter complaints concerning the lack of repair or unsafe condition of any street, sidewalk, crosswalk, bridge or culvert, within the city, which book shall be in such form and with such headings as will show, as nearly as may be, the location by streets or by lots and blocks of any such defect, and the nature thereof. It shall be the duty of the clerk of said board to enter in said "complaint book" the complaint of any person so made.

SEC. 12. It shall be the duty of said board, subject to such rules and ordinances as the council may prescribe, to provide



suitable regulations concerning the erection of buildings and the issuing of permits therefor, and to prevent the erection of any building within the limits of the city of Muskegon, or any addition to any existing buildings without such permit having been issued by said board. Before issuing any such permit, said board shall require the applicant therefor to file a bond, or other security conditioned to indemnify the city against any liability for damages which may ensue from the construction of said buildings or from the deposit of materials therefor in any of the public streets, alleys or other public places. All permits thus issued shall be numbered consecutively and a record kept thereof in the office of said board.

*Duty of board to provide suitable regulations concerning the erection of buildings and issuing of permits therefor. Before issuing permit board shall require applicant to file bond.*

*Permits to be numbered consecutively.*

#### FIRE DEPARTMENT.

SEC. 13. The board of public works shall have the care and custody of all engine houses, fire engines and apparatus, horses, hose, implements, tools, bells, towers, fire alarm telegraph, and all property of every nature in use by the fire department of the city, and shall have power to organize and maintain the same, and prescribe all rules and regulations for the government of the same, and prescribe fines and penalties for the breach of the same.

*Board of public works to have the care and custody of all fire apparatus, etc.*

SEC. 14. Said board shall, annually, on the first Monday in May, or as soon thereafter as may be, appoint one chief engineer, as many assistant engineers as may be deemed necessary, and fire wardens, not to exceed one for each ward of the city, the proper number of firemen and hook and ladder men, as said board may from time to time determine, all subject to such limitations and restrictions as to numbers, qualifications and compensation as may be determined by the council, and to hold their appointment during the pleasure of the board, not exceeding one year unless reappointed. Said board shall, when necessary, prescribe and publish a system of rules and regulations for the government of said fire department.

*To appoint chief engineer, fire wardens, firemen, etc.*

SEC. 15. Said board shall recommend to the council, and the council shall determine and fix the compensation of the chief engineer and of all other persons connected with the fire department of said city. Said board shall have power to purchase all fire engines, with their hose and apparatus, horse, hose carts, ladders, trucks, fire hooks, fire buckets and other tools, implements and conveniences for the extinguishment of fires, and to prevent injuries by fires, and repair or replace the same as may from time to time be necessary: *Provided*, Said board shall not have power to purchase real estate or erect engine houses: *And provided further*, That the power to purchase and make repairs as mentioned in this section shall not exceed the sum of two hundred dollars, unless such expenditure has first been authorized by the council.

*Compensation of engineer, firemen, etc.*

*Power of board to purchase apparatus for department.*

*Proviso.*

SEC. 16. The board shall have power to organize said city into as many fire districts as it may deem necessary, to prescribe rules for the inspection of buildings by fire wardens, to control the cisterns and hydrants in use by said fire depart-

*Board to organize city into fire districts.*

ment, direct the manner in which the bells of the city shall be tolled or rung in case of fire or alarms of fire, and to establish and maintain efficient system of fire alarm telegraph, and such other telegraphic or telephonic apparatus as may be necessary to secure the highest efficiency of the department.

Duty of chief engineer.

SEC. 17. The chief engineer of said department shall be subject to the direction of said board, and shall have the supervision and direction of the fire department, the custody, care and management of the engines, apparatus and property of said department, subject to such rules and regulations as said board may, from time to time, prescribe. It shall be his duty to see that all engines, apparatus and property entrusted to his custody, care and management, are kept in good order and efficiency, and that the rules and regulations and ordinances relative to the fire department and to the prevention and extinguishment of fires are duly observed and executed, and to make to said board detailed and particular reports of the state of the department, the conduct of the members thereof, and such other matters as may be required by the rules and regulations relating thereto.

Board to prescribe duty of engineer and members of department at fires.

SEC. 18. Said board shall prescribe the duties of the chief engineer and other members of the fire department at fires, and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires; but in no case shall any member of said board, or any officer of the city control or direct the chief engineer or assistants during any fire. Said board may provide for the removal and keeping away from fires of all idle, disorderly or suspicious persons, and may confer powers for that purpose on the engineer, fire wardens or other officers of the city. It shall require reports from the chief engineer or other officers in charge of the department, of all fires, fire alarms, losses and insurance on all property destroyed, and keep proper record thereof, and shall report the same monthly to the council of said city.

Power of chief engineer and other officers to command citizens to aid at fires.

SEC. 19. The chief engineer, mayor, chief of police, any alderman, commissioner of the board of public works or officer of the fire department may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished, and in addition thereto he shall be punished in such manner as may be prescribed by the ordinances of the city.

Pulling down buildings to arrest fires.

SEC. 20. The engineer in charge of the department at any fire, with the concurrence of any two commissioners of the board of public works, may cause any building to be pulled down or destroyed, when deemed necessary in order to arrest the progress of the fire, and any person having an interest in the building so pulled down or destroyed shall before bringing suit apply to the council, within three months thereafter, for

damages or compensation for such building, the council may, in its discretion, pay him such compensation as it may deem just; the council may ascertain such damage by agreement with the owner or person interested, or by the appraisal of a jury to be selected in the same manner as in case of taking private property for public use; and the council may cause the amount of any damages determined upon as aforesaid to be defrayed by special assessment upon the property which in its opinion was protected or benefited by the destruction of said building; but no damages shall be paid for the amount of any loss which would probably have occurred to such building if it had not been pulled down or otherwise destroyed.

SEC. 21. The said board shall see that all ordinances of the council, and all provisions of law relating to the fire department and to the prevention and extinguishment of fires, are faithfully enforced, and it may at all times call upon and direct the police force of the city to enforce any and all such ordinances and laws.

Board to see that all ordinances are enforced.

SEC. 22. The council may provide suitable compensation for any injuries which any fireman or employe of said department may receive to his person or property in consequence of the performance of his duties at any fire, as it may deem just.

Council may provide suitable compensation for injuries to fireman, etc.

#### WATER DEPARTMENT.

SEC. 23. The city shall have power to establish, construct, maintain, regulate and keep in repair a system of water works, for the purpose of supplying said city and its inhabitants with water for municipal, domestic and other purposes, and it shall be the duty of the council to enact any and all ordinances necessary to carry into effect the power and authority conferred upon the board of public works relative to the water works of said city.

Power of city to construct and maintain water works.

SEC. 24. The board of public works shall have the care, control, custody and management of all pumping houses, machinery, apparatus and property of every nature now or hereafter in use by the water department of said city, and the care, control and management of said department.

Board of public works to have care and control of.

SEC. 25. Said board shall annually, on the first Monday of May or as soon thereafter as may be, appoint one superintendent of the water department, and as many and such assistants as in its judgment may be necessary to the efficient management of said department, one chief engineer and as many assistants as may be necessary, and such other officers, agents and servants as may be necessary for the proper management of said department, all of whom shall hold their positions during the pleasure of said board, not exceeding one year, unless reappointed. Said board shall define the duties of all persons appointed to any position in said department or employed therein, and shall recommend to the council the compensation to be paid to them, but the council shall fix and determine the amount of such compensation.

Board to appoint superintendent of water department.

Board to define duties of all persons appointed in the department.

Additional  
water supply.

SEC. 26. Whenever it may become necessary, in the opinion of the council, to procure any additional water supply for the city and its inhabitants for the purposes hereinbefore named from any source or sources within or without the limits of said city, the council may refer the matter to the board of public works, who shall report to said council and recommend the kind and quantity of power and machinery required therefor; the pipe, conduits and reservoirs to be used, and the manner and extent of distribution thereof in said city, and to that end said board may, when previously authorized by said council contract for all necessary work and labor, and for the purchase or manufacture of all necessary material therefor; purchase and lease lands, water rights and other privileges or franchises necessary to provide such supply; cause pipes to be laid in the streets, lanes and alleys and through the public places or grounds in said city. Said board may in its discretion establish, erect and maintain fire and public hydrants, jets and fountains.

Board to fix  
rates to be paid  
by consumers.

SEC. 27. Said board shall fix and determine the rates to be paid by consumers of water, and the [terms and] conditions on which water shall be supplied by said department. Said rates shall be paid to the treasurer of said city, at such time or times, according to the terms and conditions aforesaid, as the board may determine, and shall be credited by said treasurer to the water fund of said city. Said board shall make all needful rules and regulations for the government of said department and the guidance of its officers, agents and employees, and for the collection of water rates, the payment of which it shall be the duty of said board to enforce by cutting off supply to the consumers and by depriving such delinquent consumers of such supply from said department, until all arrearages of water rates shall be paid; or payment of such arrearages of water rates may be enforced by suit in the name of the city, in any court of competent jurisdiction. Said rules and regulations shall be published in convenient form for the use of said department, its officers, agents and employees.

Board to make  
rules and regulations governing  
department.

#### POLICE DEPARTMENT.

Chief of police,  
board to appoint.

SEC. 28. Said board shall have the power, and it shall be its duty annually, on the first Monday in May in each year, or as soon thereafter as may be, to appoint by ballot or otherwise, a suitable person, who shall be chief of police of said city, one deputy, and as many policemen as it may deem necessary, subject however to such restrictions and limitations as to number, qualifications and compensation, as may be determined by the council. Such officers shall continue in office at the pleasure of said board for a term not exceeding one year: *Provided*, That no member of the police force during his term of office shall be appointed deputy or under sheriff for the county of Muskegon. It may also appoint as many special policemen, with or without compensation, in time of emergency or apprehended danger, as it shall deem expedient. Said board may

Provide.

Special policemen.

also, on application of any person or corporation, showing the necessity thereof, appoint any number of special policemen, to do duty at any designated place or places within said city, at the charge and expense of the person or corporation by whom the application was made. Such special policemen shall perform duty only at the places designated, and shall continue in office at the pleasure of said board for a term not exceeding one year.

SEC. 29. The chief of police shall serve all process that shall be delivered to him for service, and it shall be his duty to see that all the laws and ordinances of the council are promptly and efficiently enforced, and that all the rules and regulations prescribed by said board in relation to the government of the force under him shall be obeyed. Said officers shall have the same power as constables now have by law, except as to the service and return of process in civil cases, and shall be subject to the same liability, except as otherwise provided by law. They shall have power and authority to execute, serve and return all process for the enforcement of all ordinances of said city, and the provisions of this act, issued by any justice of the peace, by the mayor or presiding officer of the council, or by any committee of the council, and shall perform such other duties not inconsistent with this act as the council may by ordinance or otherwise prescribe.

SEC. 30. Said board may, whenever it shall deem it proper, dismiss from the department, and from service, the chief of policeman or any employe of said department, with or without charges or trial, and no such dismissed person shall be entitled to any compensation after said dismissal; and said board may at pleasure change any member of the police department from one grade of service to another, and within the limitations prescribed by the council may change the amount of compensation of any member of the department at any time, and may suspend any member of the department with loss of pay for such time as it may fix.

SEC. 31. Said board shall have the power and it shall be its duty to make all such rules and regulations for the government and discipline of said police department, as it may deem best to secure thoroughness and efficiency; it shall prescribe suitable uniforms and badges for the members of said department; it shall establish proper regulations for the care and management of such police stations as may be provided by the council for the accommodation of the police force, for the lodging of vagrants and disorderly persons and for the temporary detention of persons suspected of crime, or arrested therefor. It shall purchase all supplies and materials needed for the use of the department. It may adopt such system of reports from members of the force to the chief, and from the chief to the board, as it may think desirable. It shall prescribe the duties of the chief of police and of all regular and special policemen, in addition to those herein provided for, and shall provide for the preservation of the public peace, for the prevention of crime, for the arrest of all offenders, against the peace and good order

Duty of.

Power of.

Board may dismiss from service.

Power of board to make rules, to prescribe uniforms, badges, etc.

Board to purchase all supplies.

Shall provide for the protection of the rights of persons and property.

of the city, and of all persons violating the ordinances of said city. The members of such force shall have the power to suppress all riots, disturbances and breaches of the peace; to apprehend any and all persons in the act of committing any offense against the laws of this State or the ordinances of the city and all truants, vagrants and disorderly persons, and to take the offender forthwith before the proper court or magistrate to be dealt with according to law. It shall provide for the protection of the rights of persons and property, for the preservation of order at fires, and at all railroad depots and steamboat landings, and shall cause the enforcement of all ordinances of the city and laws of the State in regard to police and public health. It shall be the duty of said board, at all times, whenever consistent with the regulations of the board and the public interest, to furnish all information desired, relative to said police department, and comply with all lawful requests made by the council or any member thereof.

No member of the police force shall receive any fee, gratuity or compensation except such as may be authorized by the council.

SEC. 32. No member of the police force shall receive any fee, gratuity or compensation of any kind whatever for the performance of any duty imposed upon him by law, the ordinances of said city or the orders of his superior officers, except such compensation as may be authorized by the council, nor shall he receive any fee, gratuity or compensation as a consideration or inducement for remitting or delaying the performance of any duty pertaining to his office. Any person violating the provisions of this section shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State Prison not more than three years, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

Any person violating provisions of this act shall be deemed guilty of a felony.

Board to report amount of all moneys expended for and on account of police department.

SEC. 33. The said board shall annually, on or before the first day of June, and oftener when the council shall so require, report the amount of all moneys expended for and on account of the police department, giving the date, items, amount and purpose of each.

#### HEALTH DEPARTMENT.

Board of health, who to constitute, power and authority of.

SEC. 34. Said board of public works shall constitute the board of health for said city of Muskegon, and shall have and exercise all the power and authority conferred on boards of health by the general laws of this State, so far as the same are consistent with the provisions of this charter, and it shall be the duty of the council to prescribe penalties for the violation of any lawful order, rule or regulation made by said board or any officer thereof.

Duty of board to recommend rules, etc., for preservation of health.

SEC. 35. It shall be the duty of said board of health to recommend to the council such rules and regulations for the preservation and protection of the health of the inhabitants of said city, as in its judgment should be established by ordinance.

To notify council of all nuisances.

SEC. 36. It shall be the duty of said board to notify the council of all such nuisances as may come under the cogni-

zance of said board, that require removal or abatement, and to carry into effect any resolution of said council with regard thereto.

SEC. 37. If any cellar, vault, lot, private sewer or drain, place or premises within the city, shall be damp, unwholesome, offensive or filthy, or be covered, during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, or be in a condition dangerous to public health, said board may cause the same to be drained, filled up, cleaned and purified, or require the owner or occupant, or person in charge of such lot, premises or place, to perform such duty; and may require the owner or occupant of any building, fence or structure, which may be ruinous or liable to fall and injure persons or property, to pull down or remove the same, or the said board may cause the same to be done by the police department of said city.

Board to cause all damp, unwholesome and filthy places to be drained, filled up, etc.

SEC. 38. If any person, corporation or company shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council, or by the said board, for the protection of the health of the inhabitants of said city, and if any expense shall be incurred by the city in removing or abating such nuisance, or in causing such duty or requirement to be performed, such expense may be recovered by the city, in an action of assumpsit against said person, corporation or company; and in all cases where the city shall incur any expense for draining, filling, cleansing or purifying any lot, place or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies provided for the recovery of such expense, charge the same or such part thereof as it shall deem proper, upon the lot or premises, upon or on account of which such expenses were so incurred, or for which such nuisance was removed and abated, and cause the same to be assessed against such lot or premises, and collected as a special assessment in the same manner that other special assessments are collected, under the provisions of this act.

May recover from any person, firm or corporation any expense incurred.

May cause the same to be assessed and collected.

SEC. 39. The said board, when and as authorized by the council, may purchase necessary lands and erect thereon or otherwise provide one or more hospitals, within or without the city limits and when so provided, the same shall be under the charge and superintendence of said board, whose duty it shall be to provide for and appoint the necessary officers, attendants and employes for the care and management thereof, and for the care and treatment therein, of such sick and diseased persons as may be permitted by direction of the council or by said board to have the benefits thereof. Said board may direct any person having any malignant infectious or contagious disease to be removed to said hospital and there detained and treated when and so long as in its judgment the public safety may require; and it shall be the duty of the council to provide such

When board may purchase land and erect hospital.

May direct any person having infectious or contagious disease removed to.

restraints and punishments as shall be necessary to prevent any person, committed to such hospital for treatment for any malignant, infectious or contagious disease, from departing therefrom until discharged by said board.

Board to appoint city physician.

SEC. 40. It shall be the duty of said board annually, on the first Monday in May, or as soon thereafter as may be, to appoint by ballot or otherwise, a physician, to be known as the "city physician," who shall perform such duties as the board may prescribe. The board shall recommend, but the council shall fix and determine the compensation to be paid to such physician. His term of office shall be at the pleasure of said board, not exceeding one year, unless reappointed.

Compensation.

Term of office.

To make rules for conduct of funerals of persons dying of contagious diseases, etc.

SEC. 41. Said board shall make such regulations as it may deem necessary for the conduct of funerals of persons dying of any malignant, infectious or contagious disease, and for the interment of the dead; it shall provide regulations for properly certifying and the recording of every death within the limits of the city, and for the record and certificate of the cause of death of any person, whose body may be brought within the limits of said city for interment, and to grant permits for the burial of the dead within said city and the cemeteries belonging to said city.

#### CEMETERIES.

Acquisition and regulation of cemeteries.

SEC. 42. The city may acquire, hold and own such cemeteries or public burial place or places, either within or without the city limits, as in the opinion of the council shall be necessary for the public welfare. The council may prohibit the interment of the dead within the city, and limit such interment therein to such cemetery or burial place as it may prescribe, and may cause any body buried within the city in violation of any rule or ordinance made in reference thereto, to be taken up and buried elsewhere.

Raising of money for.

SEC. 43. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary to purchase cemetery grounds, and for the improvement, adornment, protection and care thereof.

Power and authority of the board for the care and management of.

SEC. 44. Said board is hereby invested with and shall have all the power and authority that may be necessary for the care, management and preservation of such cemeteries or burial place and places, for tombs and improvements therein and appurtenances thereof. They shall direct the improvement and embellishment of the ground; they shall cause such grounds to be laid out into lots, avenues and walks; the lots to be numbered and the avenues and walks to be named, and plats thereof to be made and recorded in the office of said board. They shall make sales of all such lots, at such price as the council shall prescribe. The conveyance of burial rights within such lots shall be executed in behalf of the city by the recorder of said city, and shall be recorded in his office.

Appointment of superintendents and employees.

SEC. 45. The board shall appoint all necessary superintendents and employees for the cemeteries, and shall recommend to



the council, and the council shall fix and determine the compensation to be paid to them. The board shall expend the money provided for the care and management and improvement of the grounds, enforce the ordinances of the city made for the management and care thereof, and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city and the laws of the State. In addition to the duties herein named, the board shall perform such other duties with regard to said cemeteries as the council may prescribe.

Expenditure of money and care of grounds.

SEC. 46. All moneys raised for any public cemetery, authorized by this act, and all moneys received from the sale of lots therein or otherwise therefrom, shall be paid into the city treasury, and shall be denominated the cemetery fund. Said fund shall not be devoted nor applied to any other purpose except for the purposes of such cemeteries.

Cemetery fund.

SEC. 47. The council may pass and enforce all ordinances necessary to carry into effect the provisions herein contained, and to control and regulate such cemeteries and burial places and the improvement thereof, and for the preservation and protection of the same, and of any other cemetery or burial place within said city, belonging to or under the control of any church, religious society, corporation, company or association, and for the protection and preservation of all tombs and monuments therein, and improvements thereof, and the appurtenances thereto, and to punish violations of the same, and all orders and regulations made by said board.

Council may pass ordinance to control and regulate cemeteries, etc.

SEC. 48. The recorder shall keep a separate account of all expenditures ordered by the board on account of the fire department, water department, police department, health department and cemeteries of said city. Likewise a separate account of all expenses incurred by the said board for the construction, care and control of the sewers of the city, and of all expenses incurred for the construction, care, management and control of the public buildings of said city, and of the public improvements ordered by the council, and an account of all contracts entered into by said board in behalf of said city, and an account of all moneys expended or work done by said board for any other purpose whatever.

Recorder to keep separate accounts.

SEC. 49. The board shall report to the council monthly the condition of the several departments under its control and the expense of conducting the same for the month, together with a statement of the number of men employed in each of said departments. Said board shall also, from time to time, certify to the council all such accounts, claims and demands against said city, for or on account of said departments, under its control, and for the construction, care and management of sewers, and all expenses incurred in relation to contracts for public buildings or public improvements, as shall have been approved by the board, and the same shall be reported to the council for payment, as in other cases, and said board may also report

Board to report to council monthly the condition of departments under its control.

without recommendation any claim or demand, the validity of which may be in doubt.

To report amount of all moneys expended on account of the several departments, time of.

SEC. 50. Said board shall, on or before the first day in June, in each year, and oftener, when the council shall require, report the amount of all moneys expended for or on account of the several respective departments under its charge, giving date, items, amounts and purpose of each, and shall annually on or before said first day of June submit to the council estimates in detail of the amount necessary for the proper care and maintenance of the several and respective departments under its charge during the next fiscal year, and also estimates in detail of the amounts necessary for such repairs of sewers and streets as may be under its control, which estimates may be increased, modified or adopted by the council, as in its judgment may seem proper, and the expenditures made by said board during such year in the several departments, and any such repairs shall not exceed the amount of such estimates, as finally adopted by the council, unless the council shall authorize such expenditures.

## TITLE XVII.

### MISCELLANEOUS.

Acts under former incorporation not inconsistent to be continued.

SECTION 1. The ordinances, rules and regulations of the city of Muskegon, and of the board of public works, under the former acts of incorporation, not inconsistent with the provisions of this act at the time this act shall take effect, are hereby continued in full force and effect until legally amended or repealed by the proper authorities of said city.

Council authorized to settle all accounts of the city and to cause books of accounts to be balanced. What to show.

SEC. 2. The council is hereby authorized to settle all accounts of the city, and to cause the books of account to be balanced, in such manner as to show the actual state and condition of each fund or account appearing thereon, and to cause to be done whatever else may be necessary to show the actual and existing standing and condition of the financial affairs of the city, and to cause all funds in the city treasury, on the adoption of this act, to be transferred to such funds mentioned in this act as in its judgment may be proper.

Council authorized to make provisions for registration and first election.

SEC. 3. The council is hereby authorized to make full provisions for the registration of electors and for holding the first election under this act in the several voting precincts of said city, but five days' notice of the first registration and election under this act shall be sufficient notice. All territory attached to the seventh ward of said city by this act shall, for the purposes of said first election, constitute a part of the fourteenth voting precinct, and all territory attached to the eighth ward by this act, for the purposes of said first election, shall constitute a part of the fifteenth voting precinct.

Acts repealed.

SEC. 4. All acts and parts of acts, relating to the incorporation of the city of Muskegon, are hereby repealed, saving and reserving however all rights and rights of action existing,

and the right to prosecute and defend all suits, for or against the city of Muskegon, under the former act of incorporation thereof, and all taxes levied and uncollected, at the time this act shall take effect, shall be collected the same as if this act had not been passed.

SEC. 5. All officers of the city, elected or appointed, under the provisions of the former act of incorporation of the city, and in office at the time this act shall take effect, shall continue to exercise their respective functions, under the provisions of this act, for the full term for which they were so elected or appointed.

Officers elected or appointed under former act of incorporation to continue.

SEC. 6. Whenever an appeal shall be taken in any cause, in any court, or a writ of error issued in any suit brought by or against said city of Muskegon, it shall not be necessary, in order to perfect said appeal or to stay proceedings upon any judgment for the said city of Muskegon to execute any bond or other undertaking.

Practice in taking appeals.

SEC. 7. All that part of school district number four of the township of Muskegon, which has been annexed to and made a part of the city of Muskegon at the present session of the legislature is hereby detached from said school district number four, and annexed to and made a part of the public schools of the city of Muskegon, and subject to the jurisdiction, control and management of the board of education, as therein constituted; and the district board of said school district number four of the township of Muskegon, and the board of education of the public schools of the city of Muskegon shall agree upon and make such division of the property, money, funds and effects, and such apportionment of the debts and obligations of said school district number four, as shall be just and equitable.

Part of school district No. 4 to be detached from and annexed to the public schools.

All of said bill except section seven of title seventeen ordered to take effect January first, eighteen hundred and ninety-six; and said section seven of title seventeen ordered to take immediate effect.

Approved June 4, 1895.

## CERTIFICATE.

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STATE OF MICHIGAN, }  
DEPARTMENT OF STATE. } ss.

I, Washington Gardner, Secretary of State, do hereby certify that the date of the final adjournment of the Legislature of eighteen hundred and ninety-five was on the thirty-first day of May in said year.

IN WITNESS WHEREOF I have hereunto set my hand and caused  
[L. s.] the great seal of the State of Michigan to be affixed this  
tenth day of August, A. D. one thousand eight hundred  
and ninety-five.

WASHINGTON GARDNER,  
*Secretary of State.*

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# APPENDIX

CONTAINING

CERTIFIED STATEMENTS OF BOARDS OF SUPERVISORS

RELATIVE TO THE

ERECTION AND CHANGE OF BOUNDARIES OF TOWNSHIPS.

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# APPENDIX.

## BENZIE COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of South Frankfort.

*To the Honorable Board of Supervisors of Benzie County:*

Your committee, to whom the petition for incorporating the village of South Frankfort was referred, would most respectfully recommend that this board make an order declaring that the territory named in said petition for incorporation, to wit:

Being all that part of the township of Gilmore, Benzie county, Michigan, north of the east and west quarter section line of sections thirty-four and thirty-five, shall be an incorporated village by the name specified in such application, being South Frankfort; and that A. L. White, Nels Glarum and George McManus be appointed appraisers of election, and that they hold their first election in George McManus' office in South Frankfort Hotel, Monday, the fifth day of March, eighteen hundred and ninety-four, at ten o'clock a. m.

South Frankfort  
village incor-  
porated.

W. M. Carter, E. P. Case, committee.

On motion said report was accepted and adopted. Board adjourned until tomorrow morning at nine o'clock.

STATE OF MICHIGAN, }  
County of Benzie. } ss.

I, Lot Nevins, clerk of the board of supervisors in and for the county of Benzie, do hereby certify that the above is a true and compared copy of an original resolution by the board of supervisors incorporating the village of South Frankfort as passed at a regular session of said board on the ninth day of January, eighteen hundred and ninety-four, and of the whole thereof.

In testimony whereof I hereunto set my hand and official seal this tenth day of March, eighteen hundred and  
[L. S.] ninety-four.

LOT NEVINS,  
Clerk.

## CHEBOYGAN COUNTY.

In the matter of the application of certain freeholders for the erection and organization of a new township, to be known as the township of Wilmot.

Petition for incorporation of Wilmot township.

WHEREAS, An application has been duly made to the board of supervisors of the county of Cheboygan by Henry Collins, Byron Dimick, Hellen Gladding, Mary O. Craig, Wm. McCall, Ernest Marquette, Burt McCall, Caroline Corey, John Wakeford, Richard Reader, D. E. Culver, H. L. Molineaux, Robert Singer, F. B. Howard, A. W. Eck, H. Pidgeon, W. Munson, Geo. Wheeler, Erastus Wheeler, J. A. Wheeler, W. H. Briggs, E. C. Pike, M. P. Scott, H. Hoffman, Thomas Lafave, S. J. Pike, Geo. Woods, Mary Turk, Fred Weber, D. W. Botaford, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby, for the erection and organization into a new township of the territory hereinafter described; and the said board having been furnished with a map of all the townships to be affected thereby; and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be thereby affected, has been duly posted up and published in the manner and during the time required by law; and it also appearing to said board, upon consideration thereof, that the said application ought to be granted.

Thereupon it is ordered and determined by the said board, that the territory described as follows, to wit:

Township incorporated.

Township thirty-three north of range number three west, be and the same is hereby erected and organized into a new township, to be called and known as the township of Wilmot; that the first annual township meeting therein shall be held at the Pidgeon schoolhouse in school district number six, on Monday, the second day of April next; and that Henry Pidgeon, David Culver and John Wakeford, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State. Which resolution prevailed, a majority of all the supervisors elect voting therefor, by yeas and nays, as follows:

Yeas—Blackmer, Cross, Dodge, Bowen, Gallagher, Kreide-man, La Duc, Marquette, McPhee, Tucker, Paquette, Passino, J., Stewart, Town, Watkins, fifteen. Nays—Archer, Passino, F. X., Dodd, Embury, four.

STATE OF MICHIGAN, }  
County of Cheboygan. } ss.

I, Wm. N. Cross, clerk of said county and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript carefully compared by me from the original



record of the proceedings of the board of supervisors of said county on the twentieth day of December, A. D. eighteen hundred and ninety-three, upon the application of certain freeholders for the erecting and organizing of the township of Wilmot, which record remains in my office and of record in said county, and the whole of such original.

And I further certify that the annexed is a true and correct copy of the map presented to the said board with said application.

In testimony whereof I have hereunto set my hand and affixed the seal of the circuit court at Cheboygan,  
[L. s.] this twenty-seventh day of January, A. D. eighteen hundred and ninety-four.

WM. N. CROSS,  
*Clerk.*

### DELTA COUNTY.

In the matter of the application of certain freeholders to detach certain territory from the township of Masonville, and attach the same to the township of Bay De Noc.

At the adjourned meeting of the board of supervisors for Delta county, commenced and held in the court house, in the city of Escanaba, on Thursday, January 3d, A. D. 1895.

The board reassembled at 2 o'clock p. m. and was called to order by the chairman.

The following members were present: C. E. Brotherton, D. A. Brotherton, Burns, Cook, Campbell, Dausey, Derry, Danforth, Erickson, Farnsworth Grandchamp, Healy, Hazen, Hoyler, Kleiber, Leighton, Mattson, Mercier, Nebel, Olson, Perry, Rood, Sandberg and Ward.

Petition from freeholders in Masonville and Bay De Noc townships, requesting the board to detach certain lands from Masonville township and add such lands to the township of Bay De Noc, together with necessary maps and affidavit of publication, was presented. Petition to detach territory from Masonville and attach to Bay De Noc township.

A remonstrance against said petition was also presented.

Moved by Supervisor Grandchamp, supported by Supervisor Ward, that the chairman appoint a committee to act on said petition.

Ayes unanimous.

The chairman appointed on said committee Derry, Rood, Sandberg, Grandchamp, Leighton, Charles E. Brotherton and Ira C. Jennings, prosecuting attorney. Committee appointed to act on petition.

The following report was submitted and read:

*To the Board of Supervisors of Delta County:*

Your committee, to whom was referred the application of Charles Grover, *et al.*, to alter the boundaries of the township Report of committee.

of Bay De Noquette, respectfully report that the conditions of the statute have been complied with by said petitioners, and would recommend that said application be granted in part; and for that purpose would respectfully recommend the adoption by this board of the following resolution, to wit:

*Resolved*, That the bounds of the township of Bay de Noquet be altered so as to include in said township sections nineteen (19) to thirty-six (36), inclusive, of town forty (40) north of range twenty-one (21) west, Delta county, State of Michigan, heretofore included in township of Masonville.

Wm. P. Derry, O. Rood, Arthur Leighton, C. E. Brotherton, Andrew S. Sandberg, committee.

Moved by Supervisor Grandchamp, supported by Supervisor Rood, that the report of the committee be accepted and adopted, and that the boundaries of Bay de Noquette township be altered, so as to include sections nineteen (19) to thirty-six (36), inclusive, in town forty (40) north of range twenty-one (21) west, as recommended in said report.

The motion was carried by the following vote:

Ayes—C. E. Brotherton, D. A. Brotherton, Cook, Campbell, Dausey, Derry, Danforth, Erickson, Farnsworth, Grandchamp, Healy, Hazen, Hoyler, Kleiber, Leighton, Mattson, Moe, Mercier, Nebel, Olson, Perry, Rood, Sandberg, Ward and Burns.

Nays—None.

(Signed) O. V. LINDEN,  
*Clerk.*  
GEO. T. BURNS,  
*Chairman.*

I, O. V. Linden, county clerk for the county of Delta, Michigan, and keeper of the records therein, do hereby certify that the above and foregoing is all that appears of record in this county pertaining to changes of boundaries of the townships in this county (excepting such changes as have been made by the State Legislature) since the year 1892.

In witness whereof, I have hereunto affixed my signature and the seal of Delta county, at Escanaba,

[L. s.] this 22d day of May, A. D. 1895.

O. V. LINDEN,  
*County Clerk.*

## HOUGHTON COUNTY.

In the matter of the application of certain freeholders of the townships of Laird and Adams, in the county of Houghton, for detaching a portion of territory from the said township of Adams and adding the same to the township of Laird.

A meeting of the board of supervisors for the county of Houghton was held at the county clerk's office on Tuesday,

the twelfth day of December, A. D. eighteen hundred and ninety-three.

Present—John Duncan, Calumet township; F. McM. Stanton, Adams township; G. C. Bentley, Chassell township; Z. W. Wright, Franklin township; A. J. Scott, Hancock township; H. Brown, Laird township; W. E. Parnell, Osceola township; S. B. Harris, Quincy township; G. W. Orr, Schoolcraft township; Chas. Smith, Torch Lake township.

The minutes of the last meeting were read and on motion approved.

It appearing to the board of supervisors of Houghton county that application has been made and that notice thereof has been signed, posted up and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application as follows, to wit: Town fifty-one north of range thirty-six west, and town fifty-two north of range thirty-six west, and sections twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six in town fifty-three north of range thirty-six west, be and the same is hereby detached from the township of Adams and added to the township of Laird in the county of Houghton. Adopted by yeas and nays, a majority of all the members elect voting therefor, to wit: John Duncan, F. McM. Stanton, G. C. Bentley, Z. W. Wright, A. J. Scott, H. Brown, W. E. Parnell, S. B. Harris, G. W. Orr and Chas. Smith. Yeas—ten. Nays—none.

Territory taken from Adams and added to Laird township.

The board thereupon adjourned until Tuesday, January ninth, eighteen hundred and ninety-four.

STATE OF MICHIGAN, }  
County of Houghton. } ss.

I, Robert H. Shields, clerk of said county and of the board of supervisors thereof, do hereby certify that the foregoing is a true and correct copy, compared by me, of a resolution passed and adopted by said board of supervisors, on the 12th of December, A. D. eighteen hundred and ninety-three, and the whole of such resolution.

In witness whereof, I have hereunto set my hand and affixed the seal of the circuit court of said county  
[L. S.] at Houghton, this fourteenth day of December, A. D. eighteen hundred and ninety-three.

ROBERT H. SHIELDS,  
Clerk.

In the matter of the petition of the president and trustees of the village of Calumet, in the county of Houghton, State of Michigan, praying that the boundaries of said village be altered and changed by increasing the territory in said village limits.

Territory of  
Calumet in-  
creased.

It appearing to the board of supervisors of the county of Houghton that a petition of the president and trustees of the village of Calumet has been filed pursuant to section twenty-nine hundred and ninety of Howell's annotated statutes of Michigan, praying that the boundaries of said village be altered and changed by increasing the territory in said village limits; and having duly considered the matter of said petition, the board order and enact that the following described territory be added to the territory in the incorporated limits of said village of Calumet, viz.: The second addition to the village of Calumet, being all that portion of section number twenty-four in township number fifty-six, north of range number thirty-three west, in the county of Houghton, State of Michigan, described as follows: From the quarter section post on the west side of section twenty-four, run along the west boundary of said section south no degrees and twenty-four minutes, east seven hundred and ninety-four and six-tenths feet to the place of beginning; thence north sixty-two degrees and thirty-nine minutes east four hundred and thirty-six and six-tenths feet; thence north twenty-seven degrees and eleven minutes east twenty-seven hundred and seventy-one and three-tenths feet; thence south sixty-two degrees and forty-nine minutes east six hundred feet; thence south twenty-seven degrees and eleven minutes west thirty-one hundred and ninety-eight and seventy-five one-hundredths feet; thence south sixty-two degrees and thirty-nine minutes west eight hundred and eleven and fifteen one-hundredths feet; thence along the west boundary of said section twenty-four north no degrees and twenty-four minutes west eight hundred and twenty-six and forty-four one-hundredths feet to the place of beginning. In the foregoing description the section line running from the quarter section post on the west side of section twenty-four to the northwest corner of said section is assumed to be a true north and south line; the territory described in said boundary being less than one square mile in extent. Adopted by yeas and nays, a majority of all the members elected voting thereon, to wit: John Duncan, G. C. Bentley, C. D. Sheldon, Harlin Brown, Z. W. Wright, W. E. Parnell, A. J. Scott, Charles Smith and S. B. Harris. Nays—None.

ROBERT H. SHIELDS,

Clerk.

STATE OF MICHIGAN, }  
County of Houghton. } ss.

I, Robert H. Shields, clerk of said county and clerk of the board of supervisors thereof, do hereby certify that I have compared the foregoing copy of proceedings of the board of

supervisors relative to the addition of certain territory to the village of Calumet at their meeting held on the thirteenth day of March, eighteen hundred and ninety-four, with the original record thereof now remaining in my office, and have found the same to be a correct transcript therefrom and of the whole of such original record.

In testimony whereof I have hereunto set my hand and the seal of the circuit court of said Houghton county, this third day of March, A. D. 1894.

ROBERT H. SHIELDS,  
*County Clerk.*

### IOSCO COUNTY.

In the matter of the application of certain freeholders to detach certain territory from the village of Oscoda and attaching the same to the township of Au Sable.

The board of supervisors of Iosco county met in the court house in the city of Tawas City, said county, on Monday, the 14th day of October, A. D. 1895, at nine o'clock in the forenoon, pursuant to the statute in such case.

Chairman McCausland was present and ordered the clerk to call the roll.

Roll call of supervisors—Present, Sutherland, Henry, Betz, Hottois, Karus, Merrick, Robinson, Oakes, Lowe, Yockey, Hitchcock, Jackson, Anschutz, Wilcox, Koenig, Mount and Rodman—17.

Quorum present.

Moved by Henry, supported by Mount, that the reading of the petition heretofore filed of the village of Oscoda by its proper officers be dispensed with and be made a special order of business for this afternoon at two o'clock. Carried. Yeas—12. Nays—Yockey—1.

Moved by Koenig, supported by Lowe, that this board adjourn until this afternoon at one o'clock standard time. Carried. Yeas—9. Nays—0.

### AFTERNOON SESSION.

*1 o'clock standard time.*

The board was called to order by Chairman McCausland, who ordered the clerk to call the roll.

The following supervisors answered as their names were called: Sutherland, Henry, Betz, Featherly, Sinclair, Hottois, Karus, Sharpe, Oakes, Lowe, Yockey, Gardner, Hitchcock, Jackson, Anschutz, Koenig, Mount and Rodman—18.

Quorum present.

Moved by Sutherland, supported by Henry, that the petition of the village of Oscoda by its proper officers, relative to the annexation of certain lands located in said village to the township of Au Sable, be granted.

Moved by Anschutz, supported by Lowe, as an amendment, that the matter of annexing portions of Oscoda village to the township of Au Sable be made a special order of business for Wednesday afternoon at two o'clock.

Carried by the following vote: Yeas, Karus, Sharpe, Merriek, Oakes, Lowe, Yockey, Gardner, Hitchcock, Jackson, Anschutz, Koenig, Mount and Rodman—18.

Nays, Sutherland, Henry, Betz, Featherly, Aldred, Sinclair, Hottois, Robinson and Wilcox—9.

Moved and supported that this board adjourn until tomorrow morning at nine o'clock, standard time. Carried.

THOMAS G. McCAUSLAND,  
*Chairman,*  
THOMAS GALBRAITH,  
*Clerk.*

The board of supervisors of Iosco county met in the court house in the city of Tawas City, said county, on Tuesday, the 15th day of October, A. D. 1895, at nine o'clock in the forenoon, pursuant to adjournment from yesterday.

Chairman McCausland was present and called the board to order, and ordered the clerk to call the roll.

Roll call—Present, Supervisors Sutherland, Betz, Sinclair, Hottois, Karus, Merriek, Robinson, Oakes, Lowe, Yockey, Hitchcock, Jackson, Anschutz, Wilcox, Koenig, Mount, Rodman and Gardner—18. Quorum present.

Moved by Mount, supported by Yockey, that this board adjourn until this afternoon at one o'clock. Carried. Yeas—16. Nays—0.

#### AFTERNOON SESSION.

Chairman McCausland called the board to order and ordered the clerk to call the roll.

Present, Supervisors Betz, Sutherland, Aldred, Sinclair, Hottois, Karus, Sharpe, Merriek, Robinson, Oakes, Lowe, Yockey, Gardner, Hitchcock, Jackson, Anschutz, Wilcox, Koenig, Mount and Rodman—20. Quorum present.

Moved and supported that this board adjourn until tomorrow morning at eight o'clock, local time. Carried, all members present voting therefor.

THOS. G. McCAUSLAND,  
*Chairman.*  
THOMAS GALBRAITH,  
*Clerk.*

The board of supervisors of Iosco county met in the court house in the city of Tawas City on Wednesday, the 16th day of October, A. D. 1895, at eight o'clock in the forenoon pursuant to adjournment from yesterday.

The board was called to order by chairman *pro tem.*, C. E. Wilcox, who ordered the clerk to call the roll.

Roll call—Present, Supervisors Sutherland, Betz, Hottois, Karus, Merriek, Yockey, Gardner, Hitchcock, Jackson, Anschutz, Wilcox, Koenig, Mount and Rodman—14. Quorum present.

Moved by Yockey, supported by Sutherland, that this board adjourn until this afternoon at one o'clock, standard time. Carried, all members present voting therefor.

#### AFTERNOON SESSION.

The board was called to order by Chairman McCausland, who ordered the clerk to call the roll.

Roll call—Present, Supervisors Sutherland, Henry, Betz, Featherly, Aldred, Sinclair, Hottois, Karus, Sharpe, Luce, Merriek, Oakes, Lowe, Yockey, Gardner, Hitchcock, Jackson, Anschutz, Wilcox, Koenig, Mount, Robinson and Rodman—23. Quorum present.

The special order of business, to wit: The petition of the village of Oscoda, by its president and clerk, to detach certain territory from the village of Oscoda, and to attach the same to the township of Au Sable, having been called up by the chairman.

Moved by Supervisor Sutherland, and supported by Sinclair, that the prayer of the petition be granted and that the territory in said petition described be detached from the village of Oscoda and attached to the township of Au Sable, which territory is described as follows:

All of Loud, Gay & Co.'s second addition to the village of Oscoda, in Iosco county (excepting lots one (1), two (2), three (3), four (4), five (5), six (6), of block one (1) of said addition), also the land and premises in said village not herein described, lying between State street and the Au Sable river; and south of said line drawn from a point on the east line of lot nineteen (19) in block nineteen (19), twenty-two (22) feet north of the south boundary line of said lot nineteen (19), running thence parallel to the south line of said lot nineteen (19) to the west line of said lot nineteen (19); thence south along said west line to said south line; thence west along said south line extended to the Au Sable river. Said block nineteen (19) being the Oscoda Boom Company's division of said block nineteen (19) of the village of Oscoda, according to the recorded plat of said division; also lots number four (4), five (5) and six (6) in said block eight (8), and all lands on Lake Huron beach lying east of said lots and east of the end of Division street in the village of Oscoda, according to the original plat of said village. Carried by the following vote: Yeas—Sutherland, Henry, Betz, Featherly, Aldred, Sinclair,

Territory attached to Au Sable township.

Hottois, Karus, Luce, Sharpe, Merriek, Robinson, Oakes, Lowe, Gardner, Hitchcock, Jackson, Anschutz, Wilcox, Koenig, Mount and Rodman—22.

Nays—Yockey—1.

STATE OF MICHIGAN, }  
County of Iosco. } ss.

I, M. L. Galbraith, deputy clerk of said county of Iosco, and deputy clerk of the circuit court of said county, do hereby certify that I have compared the foregoing copy of the action of the board of supervisors detaching certain territory from the village of Oscoda, and adding the same to the township of Au Sable, a map of which is a true copy filed with this petition, and now remaining on file, with the original record thereof now remaining in my office, and that it is a true and correct transcript therefrom, and of the whole of such original record.

In testimony whereof, I have hereunto set my hand and [L.S.] affixed the seal of said court and county, this thirtieth day of November, A. D. 1895.

M. L. GALBRAITH,  
Deputy County Clerk.

STATE OF MICHIGAN, }  
County of Iosco. } ss.

I, Thomas Galbraith, clerk of said county and clerk of the circuit court for said county, do hereby certify that the annexed and foregoing is a full, true and correct transcript, as compared by me, from the original record of the proceedings of the board of supervisors of said county in detaching certain territory from the village of Oscoda in said county, and attaching the same to the township of Au Sable in said county, as copied and taken by me from the official records of said board; and a true copy of the map filed with said board in connection with such proceedings, and so used by them; all of which now remain in my said office, and of record in said county, and the whole of such original record and proceedings and map, as compared by me.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of said circuit court, at [L.S.] Tawas City in said county, this 30th day of December, A. D. 1895.

THOMAS GALBRAITH,  
County Clerk.

## IRON COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of Stambaugh.

The board of supervisors met pursuant to adjournment, at the county clerk's office, and the following persons answered



to roll call: Supervisors C. T. Roberts, Olof Helgemo, Wm. J. Tully, Michael Corcoran, William Russell.

The minutes of the last meeting were read and approved. The following petition was then read to the board, signed by O. F. Riebel, F. C. Vilas, B. H. Riebel and other citizens of Stambaugh, to wit: We, the undersigned, being legal voters residing within the territory embraced in the west half of section thirty-six, east half of the northeast quarter, and northeast quarter of the southeast quarter of section thirty-five, all in township forty-three north of range thirty-five west, Michigan, Stambaugh township, Iron county, most respectfully petition and request the board of supervisors of the said county of Iron to proceed and take the necessary steps for the purpose of incorporating said territory (as above described) into a village to be known as the village of Stambaugh, and your petitioners will ever pray, etc. Territory  
incorporated.

The board entered into committee of the whole to examine into the matter of said incorporation, and adopted the following resolution:

*Resolved*, That the prayer of the petitioners praying for the incorporation of the village of Stambaugh be granted, and that the following described lands be and are hereby incorporated into a village, to be known as the village of Stambaugh, to wit: West half of section thirty-six, the east half of the northeast quarter and northeast quarter of the southeast quarter of section thirty-five, all in township forty-three north of range thirty-five west, Michigan. The ayes and noes on the above resolution was as follows: Ayes—M. Corcoran, C. T. Roberts, Olof Helgemo, Wm. Russell, W. J. Tully.

P. E. DUNN,  
*Clerk.*

STATE OF MICHIGAN, }  
County of Iron. } ss.

I, D. R. Brown, deputy clerk of said county of Iron and deputy clerk of the circuit court for said county, do hereby certify that I have compared the foregoing copy of the proceedings of the board of supervisors of Iron county, at a meeting held on the twenty-ninth day of March, eighteen hundred and ninety, relative to the incorporation of the village of Stambaugh, with the original record thereof, now remaining in my office, and that it is a true and correct transcript therefrom, and of the whole of such original record, relative to said incorporation at said meeting.

In testimony whereof, I have hereunto set my hand, and  
[L. S.]      affixed the seal of said court and county, this tenth  
day of July, A. D. 1895.

D. R. BROWN,  
*Deputy Clerk.*

## KALKASKA COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of Boardman.

*To the Honorable Board of Supervisors, Kalkaska County:*

GENTLEMEN—Your committee, to whom was referred the matter of incorporating the village of Boardman, in the township of Boardman, Kalkaska county and State of Michigan, beg leave to submit that we have examined the notices which were posted, also the petition which we found to have the requisite number of signers and which was properly certified to, and also the census list which we found to have a sufficient number of inhabitants, and more to conform to the statutes, and your committee recommend that the prayers of these petitioners be granted. All of which, with the accompanying petition, is respectfully submitted.

Theron Landon, Jas. H. Jenkins, Seth Dundas, committee.  
On motion the report was accepted and adopted.

WHEREAS, Application has been made to the supervisors of Kalkaska county by a petition to incorporate as a village the following described territory, to wit: Beginning at the center of the southwest quarter of section sixteen (16), township twenty-six north of range eight west, running thence east one hundred and sixty rods, thence south one hundred and sixty rods, thence west eighty rods, thence south eighty rods, thence west eighty rods, thence north two hundred and forty rods; and

Territory incorporated as village of Boardman.

WHEREAS, We, the board of supervisors of Kalkaska county, Michigan, after hearing all parties interested, are satisfied that all the requirements of act number one hundred and eighty-eight of the public acts of the State of Michigan for the year eighteen hundred and fifty-seven, in respect to such application, have been complied with, and that said territory contains the population required by said act. Now, therefore, it is ordered by said board of supervisors that the territory named in said petition be and the same is hereby incorporated as a village corporate, to be known as the village of Boardman, said territory all being in the township of Boardman, county of Kalkaska and State of Michigan, and is described as follows, to wit: Commencing at the center of the southwest quarter of section sixteen, township twenty-six north of range eight west; thence east one hundred and sixty rods; thence south one hundred and sixty rods, thence west eighty rods, thence south eighty rods, thence west eighty rods, thence north two hundred and forty rods, to place of beginning. The first election of officers of said village shall be held on the first Monday in December, in the year eighteen hundred and ninety-two, at the Fraternal Building Association hall in said village. Robert N. Thompson, S. Emmett Neihardt and Wilber W. Peck, are hereby appointed as inspectors of election to hold said election. John W. Warner, James H. Murray and Heman E. Hogan are hereby constituted a board of registration for the

First election.

purpose of registering the names of voters residing in said village, for the election to be held in said village, and said board of registration is required to meet at the society hall, over Jamison drug store, in said village, on the Saturday before said election.

WM. J. GETTY,  
Chairman.  
JAS. M. FLAGG,  
Clerk.

Moved by Supervisor Landon, supported by Supervisor Dundas, that the application and petition to incorporate the village of Boardman be accepted and adopted. Motion prevailed, a majority of all the supervisors elected voting therefor.

Adjourned session, January third, A. D. eighteen hundred and ninety-three.

*To the Honorable Board of Supervisors of Kalkaska County, Michigan:*

We, the president and trustees of the village of Boardman, hereby petition your honorable board to enlarge the boundaries of the village of Boardman, so as to include, viz.: The north half of section twenty-one, the south half of section sixteen, town twenty-six north, range eight west. R. N. Thompson, president; W. W. Peck, J. H. Emiston, J. H. Whalen, S. Emmett Neihardt, trustees.

Petition for enlargement of boundaries of township of Boardman.

On motion the petition was referred to a committee of three, consisting of Supervisors Landon, Wm. E. Clark and Calkins.

*To the Honorable Board of Supervisors of Kalkaska County:*

Your special committee to whom was referred the petition to extend the boundaries of the village of Boardman, would beg leave to report as follows: Said village is to include the territory described as follows: The north half of section twenty-one and south half of section sixteen, all of which territory situated in town twenty-six north, range of eight west. Theron Landon, Horace S. Calkins, Wm. E. Clark, committee.

Territory to be included.

Moved by Supervisor A. H. Clark, supported by Supervisor Dagle, that the report be adopted.

Motion prevailed, a majority of all the supervisors elect voting therefor.

STATE OF MICHIGAN, }  
Kalkaska County. } ss.

I, James M. Flagg, clerk of the circuit court of said county, the same being a court of record, and having a seal, do hereby certify that I have compared the foregoing copy of proceedings of the board of supervisors, incorporating the village of Boardman in said county and State, with the original record and files thereof now remaining in my office, and have found the

same to be a correct transcript therefrom, and the whole of such original record and files.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court at Kalkaska, this nineteenth day of August, A. D. 1895.

JAMES M. FLAGG,  
*County Clerk.*

### LEELANAU COUNTY.

In matters of the application of certian freeholders for the incorporation of the village of Empire.

Incorporation of  
village of Em-  
pire.

At the annual meeting of the board of supervisors of the county of Leelanau, State of Michigan, held on the sixteenth day of October, eighteen hundred and ninety-five, the following order was made by the said board and ordered signed by the chairman and clerk thereof.

WHEREAS, More than thirty residents of and legal voters of the township of Empire, in the county of Leelanau and State of Michigan, have presented a petition and made application to this board to have certain territory in said township of Empire, described in said petition, incorporated as a village by the name of, and to be known as the village of Empire; and

WHEREAS, It appears to this board that all of the requirements of act number three of the public acts of eighteen hundred and ninety-five of the legislature of this State, in respect to said petition and application, have been complied with, and that the territory described in such petition contains a population of three hundred inhabitants and upwards, to wit: Of six hundred and nine persons, now, therefore, be it resolved, ordered and declared that the following described land or territory be an incorporated village by the name of, and to be known as the village of Empire, to wit: All the land and territory included in the following boundaries, to wit:

Territory to be  
included.

Commencing on the shore of Lake Michigan, at the section line between sections thirteen and twenty-four, town twenty-eight north of range fifteen west, thence east to the northeast corner of the northwest quarter of section nineteen, town twenty-eight north of range fourteen west; thence south to the southeast corner of north half of the northwest fractional quarter of section thirty, town twenty-eight north, range fourteen west; thence west to Lake Michigan; thence northerly along the shore of Lake Michigan to the place of beginning, containing six hundred and seventy-nine and twenty-seven one-hundredths acres according to the government survey thereof, all in townships twenty-eight north, range fourteen and fifteen west, known as the township of Empire, in Leelanau county, Michigan.

And it is further resolved and ordered by the said board, First election. that the first Monday of December, A. D. eighteen hundred and ninety-five, be the time for holding the first election for said village, and the office of Marvin Lacore in the said village of Empire be the place for holding the said first election; and it is further ordered that Erastus R. Dailey, Marvin Lacore, William Sullivan and Albert E. Willard, discreet persons, residents of the above described territory and qualified electors therein, be and are hereby appointed a board of registration for said first election to be held in said village, and who shall also act as inspectors of election at said first election. John A. Lawrence, chairman; Z. E. Hinshaw, clerk.

STATE OF MICHIGAN, }  
County of Leelanau. } ss.

I, Z. E. Hinshaw, clerk of the county of Leelanau and of the board of supervisors thereof, do hereby certify that I have compared the above order of the board of supervisors with the original now on file in my office, and the same is a true copy and the whole thereof of such original.

In testimony whereof, I have set my hand and affixed

[L. S.] the seal of said county.

October 25, 1895.

Z. E. HINSHAW,  
County Clerk.

## MANISTEE COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of Bear Lake.

Annual session of the board of supervisors of Manistee county, eighteen hundred and ninety-three. Incorporation of village of Bear Lake.

Board met pursuant to law at the court house in the city of Manistee, on Monday the ninth day of October, A. D. eighteen hundred and ninety-three.

The board was called to order at two o'clock p. m. by the chairman, E. C. Hauser. Upon roll call the following members reported present: City of Manistee—First ward, A. R. Cichy; second ward, Wm. Nungesser; third ward, E. C. Hauser; fourth ward, Fred C. Hansen; fifth ward, F. Noble; sixth ward, Peter Anderson; seventh ward, Albert Neja; township of Arcadia, Luther L. Finch; Bear Lake township, G. W. McKnight; Brown township, Peter Schneider; Cleon township, J. H. Read; Filer township, Paul Block; Maple Grove township, A. H. Mills; Marilla township, M. S. Howes; Manistee township, Claus Wiedo; Onkama township, Joseph Werle; Pleasanton township, Michael Dunke; Stronach town-

ship, Wm. L. Smithson; Springdale township, Ellis Humphrey.

On motion of Mills, the board adjourned till the hour of nine o'clock tomorrow morning for committee work.

**Thursday, October 12th, 1893.**

Board met pursuant to adjournment and was called to order by the chairman.

Upon roll call all members reported present.

Agreeable to notice given in yesterday's session, Mr. Dunke, of Pleasanton, presented the following petition from the citizens of the village of Bear Lake, in said county of Manistee, praying for the incorporation of said village, which petition was read by the clerk, and on motion of Mr. Dunke, that the prayer of said citizens, as expressed in said petition, be adopted. Same was declared carried and request granted.

#### PETITION.

***To the Honorable Board of Supervisors of Manistee County, State of Michigan:***

**Petition for incorporation.**

We, the undersigned petitioners, pray that you incorporate the territory embraced in the east fractional half of section five, town twenty-three north of range fifteen west, Michigan, as the village of Bear Lake, according to the laws provided therefor, at your next session.

Geo. W. Hopkins, C. W. Tomlin, C. B. Bunton, Jno. F. O'Rorke, Geo. Downs, F. H. Turner, Sr., W. J. Anderson, C. A. Griffin, D. H. Barr, J. P. Maise, A. W. Van Alstine, Wm. Brown, C. A. Bunton, Frank Bailey, A. T. Mitchell, Arlie Hopkins, George Crook, Robert Cummins, A. Bowen, E. A. Messer, M. E. Collins, N. E. Hull, A. J. L. Keddle, C. A. Norconk, M. D. Swain, Walter Patlix, L. D. Shirtliff, W. H. Amick, J. N. Lathwell, W. E. Stinsman, R. F. Kleckner, Geo. Baker, Thos. Simpson, Robt. Conkwright, Geo. S. Cowgil, Wm. Heidley, D. A. Shirtliff, Joseph Sanders.

#### AFFIDAVIT OF PUBLICATION.

The subscriber, being duly sworn, deposes and says, that he is the printer and publisher of the Bear Lake Beacon, a newspaper printed and circulated in the county of Manistee and State of Michigan; that the notice hereto annexed was published in the said Bear Lake Beacon four weeks in succession, and that the first publication thereof was on the second day of September, eighteen hundred and ninety-three, and the last

publication thereof was on the seventh day of October, eighteen hundred and ninety-three.

A. L. J. KEDDIE,

Sworn and subscribed before me this seventh day of October, A. D. eighteen hundred and ninety-three.

C. W. TOMLIN,

*Notary Public.*

Notice attached to the foregoing affidavit:

#### NOTICE

Is hereby given that we shall make application to the board of supervisors of the county of Manistee, Michigan, at their regular meeting in October, eighteen hundred and ninety-three, for the incorporation of the following territory, to wit: East fractional half of section five, town twenty-three north, range fifteen west, of Bear Lake township, State of Michigan, county of Manistee, to be known as the village of Bear Lake. Territory to be included.

Signed by G. W. Hopkins and twenty-five others, together with one hundred and one other heads of families, constituting a census of three hundred and seventy-five persons.

*Friday, October 20, 1893.*

The committee to whom was referred the matter of the selection of inspectors of election for the village of Bear Lake, and to prescribe the time of holding the first election in said village, reported as follows, to wit:

*To the Honorable Board of Supervisors of Manistee County:*

GENTLEMEN—Your special committee on the village of Bear Lake have the honor to report: That we have examined the law in such matters and would recommend that L. D. Shirtliff, M. D. Swain and Joseph Sanders be appointed election inspectors for the village of Bear Lake.

We would also recommend that the time of the first meeting be November twentieth, eighteen hundred and ninety-three, at the Bear Lake opera house. First election.

All of which is respectfully submitted. Michael Dunke, Geo. W. McKnight, L. L. Finch, committee.

It was moved by Smithson that the report of the committee be adopted and that we concur in their recommendation, which motion prevailed.

Thereupon, on motion of Mr. Smithson, the board adjourned till the hour of nine tomorrow morning for committee work.

E. C. HAUSER,

*Chairman.*

C. D. STANLEY,

*Clerk.*

STATE OF MICHIGAN, }  
County of Manistee. } ss.

I, C. D. Stanley, clerk of the county of Manistee and the courts thereof, do hereby certify that I have compared the foregoing copy of proceedings of board of supervisors in the matter of incorporating village of Bear Lake, with the original of record in my office, and that the same is a correct transcript therefrom, and the whole of such original.

Witness my hand and the seal of the circuit court for  
the county of Manistee, at the city of Manistee,  
[L. s.] this twenty-first day of February, A. D. 1894.  
C. D. STANLEY,  
Clerk.

### MARQUETTE COUNTY.

In the matter of the application of certain freeholders to detach certain territory from the township of Choccolay and to organize a new township to be known as the township of West Branch.

Organization of  
West Branch  
township.

The following resolution of Supervisor Moore erecting the township of West Branch from territory included in the township of Choccolay, was adopted by yeas and nays as follows:

Yeas—Andrews, Bahrman, Billings, Brewer, Emmons, Ewing, Fay, Findlay, Finlay, Gorman, Gregory, Harris, Jennings, Johnston, Moore, Perry, Ross, Sauer, Taylor, Thomas, Tregambo and Vandenboom.

Nays—Elliott, Fitch, Flack, Girard, Harper, Jenks, Maxwell, Mills, Morgan, Skoglund, Tregonning, Voelker, Wetherstone and chairman.

Territory  
included.

*Resolved*, That it be and hereby is ordered and determined by this board that the territory described as follows, to wit: Town forty-six north of range twenty-four west, be and the same is hereby detached from the township of Choccolay, and said territory is hereby erected and organized into a new township to be called and known as the township of West Branch, that the first annual township meeting therein shall be held at the Sebley schoolhouse, so called, on section fifteen in said township, on Monday, the twenty-second day of April, eighteen hundred and ninety-five, and James Shaw, William Ross and William S. June, three electors of such townships, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open the polls and to exercise the same powers as the supervisors of any township meeting may exercise under the laws of this State.



STATE OF MICHIGAN, }  
 County of Marquette. } ss.

I, Gad Smith, clerk of the said county and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript, compared by me, from the original record of a resolution passed at a meeting of the board of supervisors of said county on Wednesday, the twenty-seventh day of March, A. D. eighteen hundred and ninety-five, now remaining in my office, and of record therein, and of the whole of such original.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of said county at the city  
 [L. s.] of Marquette, in said county, this second day of April, A. D. 1895.

GAD SMITH,  
*Clerk.*

### MASON COUNTY.

In the matter of the application of certain freeholders for reincorporation of Custer village.

At the annual meeting of the board of supervisors of Mason county, continued, and held at the court house in Ludington in said county, on Tuesday, the 15th day of October, A. D. 1895.

The following petition was presented:

*To the Honorable Board of Supervisors of Mason County, Michigan:*

GENTLEMEN—The undersigned citizens of Mason county, Michigan, and residents of the territory included, would respectfully petition your honorable body for an order detaching the following territory from the township of Custer, Mason county, and incorporating the same into a village, to be known as the village of Custer, viz.: The south half of northwest quarter section number fifteen, the southwest quarter of section number fifteen, the south half of northeast quarter of section number sixteen, the southeast quarter of section number sixteen, the north half of northeast quarter section number twenty-one, and the north half of northwest quarter section number twenty-two, all in the township of Custer, and not in any incorporated village.

Territory included in the village of Custer.

Believing this will be for our best interest and not conflict with the rights of others, thus your petitioners will ever pray.

(Signed) L. T. Southworth and thirty-eight others.

B. F. BARNETT,  
*Chairman.*

STATE OF MICHIGAN, }  
*County of Mason.* } ss.

I, J. Edwin Smith, clerk of the circuit court for the county of Mason, do hereby certify that the foregoing is a correct transcript, compared by me from the original petition for incorporation of Custer village, now remaining in my office, and recorded in liber 5 of supervisors record, page 51, and of the whole of such original.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of said court, at Ludington, in said county, this 2d day of November, A. D. 1895.

J. EDWIN SMITH,  
*Clerk.*

At the annual meeting of the board of supervisors of Mason county, Michigan, continued, and held on Friday, the 18th day of October, 1895.

Mr. Cole offered the following resolution:

*Resolved*, That the petition of L. T. Southworth and thirty-nine others, praying for the incorporation of certain territory mentioned in said petition as the village of Custer, be granted, and it is hereby declared that said territory be and is hereby declared an incorporated village by the name specified in said petition, to wit: the village of Custer; and it is further ordered that the first election in said village be held on the second day of December, A. D. 1895, at the M. W. A. Hall, the polls to be opened at 9 o'clock a. m.

**First election.**

And it is further ordered, that the following named persons, viz.: L. T. Southworth, John C. Tracy, M. Brayman and S. S. Lampman, who are residents of the said territory and qualified electors therein, shall constitute a board of registration for said election and shall act as inspectors of election at said first election.

On motion the resolution was accepted and adopted by ayes and nays. All voting aye.

B. F. BARNETT,  
*Chairman.*

STATE OF MICHIGAN, }  
*County of Mason.* } ss.

I, J. Edwin Smith, clerk of the circuit court for the county of Mason, do hereby certify that the foregoing is a correct transcript, compared by me from the original order of incorporation of the village of Custer now remaining in my office, and

recorded in liber 5 of supervisors record on page 63, and of the whole of such original.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of said court, at Ludington, in said county, this 23d day of October, A. D. 1895.

J. EDWIN SMITH,  
*Clerk.*

### MIDLAND COUNTY.

In matter of the application of certain freeholders for the erection and organization of a new township, to be known as the township of Mills.

*Midland City, Mich., October 15, 1894.*

Board of supervisors met pursuant to adjournment, and was called to order by Honorable Duncan Wayne, chairman. Roll called. Present—Supervisors Moore, Childs, Gibbs, Bellinger, Mills, Johnson, McCoy, Peck, Howe, Bentley, McMullen, Boies, Wayne, Parsons, Dawe, Rockwell, Post and Cochrane—18. Absent—Supervisors Thorington, Brown, Shoup—3. Minutes of previous meeting read and approved

#### *To The Supervisors of Midland County;*

GENTLEMEN—We, your committee on organization of townships, to whom was referred the petition of William Billington and twenty-three other freeholders of the township of Hope, for the organization of a new township out of the said township of Hope, would respectfully report as follows:

WHEREAS, Application has been duly made to the board of supervisors of the county of Midland, by William Billington, James Spikes, Lewis Ritter, William Lyteil, Nathan Frost, Elizabeth Frost, John Metzger, Diedrin Hoyt, Anton Daschekal, Frank Blumenthal, A. G. Miller, A. H. Wiles, William Wint, Frank Wint, Alice Wood, Eugene La Rue, August Wint, Gust Wint, Joseph Ordway, D. H. Williams, M. A. Williams, William Farrow, Chancey Bowen, David Cradt, all of whom are freeholders and reside in the township to be affected thereby, for the erection and organization into a new township of the territory hereinafter described, and the said committee having been duly furnished with a map of all the townships to be affected thereby, and it appearing to said committee by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be thereby affected has been duly posted up and published in the manner and during the time required by law, and it further appearing to said committee, upon consideration thereof, that the said application ought to

Territory of  
Mills town-  
ship.

be granted; Therefore, your committee hereby recommend that the territory described as follows, to wit: The entire township sixteen north of range two east be erected and organized into a new township, to be called and known as the township of Mills; that the first annual township meeting therein shall be held at the Jacob Schearer farm in section twenty-two, town sixteen north of range two east, on the first Monday of April, eighteen hundred and ninety-five; that William Lytail, A. G. Miller and Walter Frost, three electors of said township, be designated as the persons whose duty it shall be to preside at said meeting; that John Metzger shall be the clerk, and that the said elector shall open and keep open the polls, exercise the same powers as the inspectors of any township election may exercise under the laws of this State. All of which is respectfully submitted. Edwin Dawe, Eli Shoup, A. N. Bentley, J. W. Cochrane, Floyd L. Post. We, your committee, also recommend that Wm. H. Mills be appointed to post the notices of said election.

By Supervisor Bellinger:

I move the adoption of the report, amended by Supervisor Mills, that the name of said township be changed to "Schearer," which amendment prevailed as follows by yeas and nays. Yeas—Supervisors Childs, Bellinger, Mills, Johnson, McCoy, Peck, Bentley, McMullen, Boies, Thorington, Rockwell, Shoup—12. Nays—Supervisors Gibbs, Howe, Parsons, Dawe, Brown—5. Motion as amended adopted by yeas and nays, a majority of all members elected voting therefor, to wit: Yeas—Supervisor Childs, Bellinger, Mills, Johnson, McCoy, Peck, Bentley, Boies, Thorington, Rockwell and Shoup—11. Nays—Supervisors Gibbs, Howe, McMullen, Parsons, Dawe and Brown—6. Recess until tomorrow at the hour of 8 o'clock a. m.

WM. DAVIDSON,  
*Deputy Clerk.*  
DUNCAN WAYNE,  
*Chairman.*

*Midland City, Oct. 16, 1894.*

Board met pursuant to adjournment and was called to order by Hon. Duncan Wayne, chairman. Roll called. Present—Supervisors Moore, Childs, Gibbs, Bellinger, Mills, Johnson, McCoy, Peck, Howe, Bentley, McMullen, Boies, Wayne, Parsons, Thorington, Rockwell, Shoup, Post and Cochrane—19. Absent—Dawe and Brown—2. Minutes of previous meeting read and approved.

By Supervisor Mills:

I move that the vote be reconsidered by which the report of committee on organization of townships was adopted, which motion prevailed by yeas and nays as follows: Yeas—Supervisors Moore, Gibbs, Bellinger, Mills, Johnson, McCoy, Peck, Howe, Bentley, McMullen, Boies, Parsons, Thorington, Shoup, Cochrane—15. Nays—None.

By Supervisor Mills:

I move that the name Walton Frost be stricken out, and the name Nathan Frost be inserted. Carried.

By Supervisor Peck:

That the name of said township be changed from Schearer to Mills, which motion did not prevail, by yeas and nays, as follows: Yeas—Supervisors Peck, Gibbs, Howe, Boies, Parsons, Rockwell, Brown, Post, Cochrane—9. Nays—Supervisors Moore, Mills, Johnson, Bellinger, McCoy, Bentley, McMullen, Wayne, Thorington, Shoup—10.

By Supervisor Moore:

That the report be adopted, which motion did not prevail by yeas and nays as follows: Yeas—Supervisors Moore, Bellinger, Mills, Johnson, McCoy, Bentley, McMullen, Thorington and Shoup—9. Nays—Supervisors Childs, Gibbs, Peck, Howe, Boies, Parsons, Rockwell, Brown, Post and Cochrane—10.

By Supervisor Howe:

That the matter be laid over until two o'clock p. m., which motion did not prevail, by yeas and nays, as follows: Yeas—Supervisors Moore, Childs, Gibbs, Peck, Howe, Boies, Parsons, Brown, Post and Cochrane—10. Nays—Supervisors Bellinger, Mills, Johnson, McCoy, Bentley, McMullen, Wayne, Thorington, Rockwell and Shoup—10.

By Supervisor Cochrane:

That the name of such township be changed so as to read Mills in place of Schearer. Carried.

By Supervisor Peck:

I move the adoption of the report of committee on organization of townships as amended. Adopted by yeas and nays as follows: A majority of all the members elected voting therefor, to wit: Yeas—Supervisors Moore, Gibbs, Johnson, McCoy, Peck, Howe, McMullen, Boies, Parsons, Brown, Shoup and Post—12. Nays—Supervisors Bellinger and Thorington—2.

Recess until tomorrow at the hour of eight o'clock a. m.

DUNCAN WAYNE,  
*Chairman.*  
WM. DAVIDSON,  
*Deputy Clerk.*

STATE OF MICHIGAN, }  
County of *Midland*. } ss.

I, Jas. V. Lownsbury, clerk of said county and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript, carefully compared by me, from the original record of the proceedings of the board of supervisors of said county, on the fifteenth day of October, in the year eighteen hundred and ninety-four, upon the application of William Billington and others, for the erection and organ-

ization of a new township, now remaining in my office, and of the whole of such original record.

In testimony whereof, I have hereunto subscribed my name, and affixed the seal of the circuit court for  
[L. s.] said county this third day of November, 1894.

JAS. V. LOWNSBURY,  
*County Clerk.*

### MISSAUKEE COUNTY.

In the matter of the application of certain freeholders for the organization of the township of Butterfield.

Record by board of supervisors of organization and division of the township of Butterfield, at the regular session of the board of supervisors of Missaukee county, held at Lake City, upon the 25th day of October, 1895.

In the matter of the application of certain freeholders for the erection and organization of a new township, set off or divided from the present township of Aitna.

WHEREAS, An application has been duly made to the board of supervisors of the county of Missaukee by George Rouse, George N. Myers, Claus Berghouse, J. E. Vincent, Peter Vincent, W. M. Wolven, T. Agema, S. L. Witherel, Andrew Benard, William Morden, John Kornelia, James D. Robinson, E. McCalmont, Fred Bowman, Daniel Vian, George F. Bowman, Charles W. Marsh, Geo. H. Marsh, Geo. Jager, S. B. St. John, L. D. Gleason, John Hepp, John Jacobs, D. C. Church, Alvin Shippy, Grant Sherman, George Dinca, Charles B. Marsh, T. Henkman, Frank Lampman, K. Campbell, Enos E. Mordon, Jonathan McNeil, Peter G. Vincent, H. Liewtzinger, J. E. Henderson, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby for the erection and organization into a township of the territory hereinafter described, and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be affected thereby, has been duly posted and published in the manner and during the time required by law; and it also appearing to said board, upon consideration thereof, that the said application ought to be granted.

Thereupon it is ordered and determined by the said board that the territory described as follows, to wit:

All of township twenty-two north, of range five west, be and the same is hereby erected and organized into a new township, to be called and known as the township of Butterfield; that the first annual township meeting therein shall be held at the schoolhouse, in district number four of said township twenty-

two north, of range five west, on the first Monday of April next, and William M. Wolven, Fred Bowman and Charles B. Marsh, three electors of said township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

Adopted by yeas and nays, a majority of all the members voting therefor, to wit: Yeas—Supervisors Marsh, Ingersoll, Caldwell, Lentke, Parker, McNitt, Somers, Crane, Decker, Taylor, McBain and Gerard. Nays—None.

A. C. McNITT,

*Chairman.*

JAMES E. WRIGHT,

*Clerk of the Board of Supervisors  
for Missaukee County, Michigan.*

STATE OF MICHIGAN, }  
County of Missaukee. } ss.

I, James E. Wright, clerk of said county of Missaukee and clerk of the circuit court for said county, do hereby certify that I have compared the foregoing copy of record of organization and division of the township of Butterfield, etc., with the original record thereof, now remaining in my office, and that it is a true and correct transcript therefrom, and of the whole of such original record.

In testimony whereof, I have hereunto set my hand and  
[L. S.] affixed the seal of said court and county, this first  
day of November, A. D. 1895.

JAMES E. WRIGHT,

*Clerk.*

## MONTMORENCY COUNTY.

In the matter of the application of certain freeholders to detach certain territory from the township of Wheatfield and attach the same to the township of Vienna.

WHEREAS, An application has been duly made to the board of supervisors of the county of Montmorency, by William Briley and others, all of whom are freeholders and reside in the township of Vienna and Wheatfield, and in the territory hereinafter described, and the said board having been furnished with a map of the territory to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the townships to be affected thereby, has been duly posted up and published in the manner and time required by law; and it appearing to said board, upon consideration

*Territory detached from Wheatfield and attached to Vienna.*

thereof, the application ought to be granted. Thereupon, it is ordered and determined by the said board that the territory described as follows, to wit: The north one-half of town number thirty north of range one east, be and is hereby detached from the township of Wheatfield and attached to the township of Vienna, and it is further ordered and determined by said board that the changes in the boundaries of the above townships shall not take effect and be in force until the first day of April, A. D. eighteen hundred and ninety-five.

STATE OF MICHIGAN, }  
County of Montmorency. } ss.

I, Thomas E. Double, deputy clerk of said county of Montmorency and clerk of the circuit court for said county, do hereby certify that I have compared the foregoing copy of a resolution passed by board of supervisors of said county at their annual session of the year eighteen hundred and ninety-four, with the original record thereof, now remaining in my office, and that it is a true and correct transcript therefrom, and of the whole of such original record.

In testimony whereof, I have hereunto set my hand, and  
[L. s.] affixed the seal of said court and county, this eighteenth day of January, A. D. 1895.

THOMAS E. DOUBLE,  
Deputy Clerk.

#### SHIAWASSEE COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of Morrice.

At a regular session of the board of supervisors for the county of Shiawassee, continued and held at the court house in the city of Corunna, in said county, on Tuesday, the fourteenth day of October, A. D. eighteen hundred and eighty-four.

Board called to order by the chairman.

Roll called by the clerk. Present—Supervisors Hurd, Burt, Cooper, Crane, Close, Baldwin, Cameron, Gale, Goodell, Main, Cook, Kenney, Mason, Morrice, Warner, Myres, Smith, Sanders, Shipman, Washburn, Wilcox and Whelan.

Supervisor Smith, from a special committee, submitted the following report, viz.:

*To the Honorable the Board of Supervisors:*

Your special committee, to whom was referred the petition of A. B. Clark and thirty others, residents and legal voters of the township of Perry in this county, praying for the incorporation of certain territory in such petition, described as a vil-



lage, relative to such petition, and recommend the adoption of the following order, viz.: In the matter of the petition of A. B. Clark and thirty other legal voters and residents of the east half of the southeast quarter of section eleven and the west half of the southwest quarter of section twelve of the township of Perry, Shiawassee county, Michigan, praying for an order of this board incorporating such territory as a village. It is hereby ordered and declared that said east half of the southeast quarter of section eleven, and the west half of the southwest quarter of section twelve of the said township of Perry, shall be an incorporated village, known and designated by the corporate name of the village of Morrice, and it is further ordered that Benjamin F. Grout, Almon B. Clark and Benjamin F. Rouse be and are hereby appointed inspectors of election to hold the first election in such village, as required by law. Also that such election be held at the office of Benjamin F. Grout in such village on Monday, the seventeenth day of November, A. D. eighteen hundred and eighty-four. All of which is respectfully submitted.

S. F. Smith, J. A. Morrice, James M. Goodell, committee.

On motion of Supervisor Wilcox, the report was accepted and adopted.

On motion of Supervisor Wilcox, the board adjourned until one o'clock this afternoon.

C. J. GALE,  
*Chairman.*  
Countersigned, F. E. WELCH,  
*Clerk.*

STATE OF MICHIGAN, }  
County of Shiawassee. } ss.

I, Joseph H. Collins, deputy clerk of said county of Shiawassee and clerk of the circuit court for said county, do hereby certify that I have compared the foregoing copy of record of proceedings of the board of supervisors of said county, with the original record thereof, now remaining in my office, and that it is a true and correct transcript therefrom, and of the whole of such original record.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court and county, this seventeenth day of May, A. D. 1895.

JOSEPH H. COLLINS,  
*Deputy Clerk.*

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In the matter of the application of certain freeholders to extend the boundaries of the village of Morrice.

At a regular session of the board of supervisors for the county of Shiawassee, continued and held at the court house in

said county on Wednesday, the 16th day of October, A. D. 1895.

Board called to order by the chairman. Roll called by the clerk. Present—Supervisors Baldwin, Chaffee, Crane, Cronk, Fuller, Harper, Houghton, Lyman, Martin, Morris, J. A. Morrice, F. C. Morrice, Osburn, Parker, Peacock, Reed, Scougale, Sheldon, Shepard, Stanlake, Trowbridge and Washburn.

In the matter of the petition of Thomas S. Stanley and C. L. Bartholf, president and clerk, respectively, of the village of Morrice, in the county of Shiawassee, Michigan, praying that the boundaries of said village may be extended by adding thereto certain territory; and it appearing to this board that all of the provisions of law in relation to such petition have been complied with, and the said petition having come on to be heard before this board, and the respective parties in interest having appeared and been heard for and against said petition, and this board being fully advised in relation to the premises, and having duly considered the same, it is therefore ordered and determined by the board of supervisors of the county of Shiawassee that the prayer of the said petitioners be and is hereby granted, and that the boundary lines in said village of Morrice be, and the same is hereby extended by adding to the original plat of said village the following described

Territory added  
to village of  
Morrice.

pieces of land, that is to say: The north half of the northwest quarter of section thirteen (13), the north half of the northeast quarter of section fourteen (14), the west half of the southeast quarter of section eleven (11), the south half of the northeast quarter of section eleven (11), the south half of the northwest quarter of section twelve (12), and the east half of the southwest quarter of section twelve (12), all in town five (5) north, of range two (2) east, Shiawassee county, Michigan.

Boundary of  
village.

And it is further ordered and determined that the boundary lines of said village of Morrice be, and are hereby fixed as follows, to wit: Commencing at a point eighty (80) rods south of the section line between sections eleven (11) and fourteen (14), and one hundred and sixty (160) rods east of the section line between sections fourteen (14) and fifteen (15), thence running north one mile, thence running east one mile, thence running south one mile, thence running west one mile to the place of beginning.

On motion of Supervisor Peacock, the board took a recess until tomorrow morning at half past nine o'clock.

M. OSBURN,

*Chairman.*

Countersigned, D. C. COOPER,

*Clerk.*

STATE OF MICHIGAN, }  
County of Shiawassee. } ss.

I, J. H. Collins, deputy clerk of said county of Shiawassee and deputy clerk of the circuit court for said county, do hereby certify that I have compared the foregoing copy of an order made by the board of supervisors of said county, with the

original record thereof, now remaining in my office, and that it is a true and correct transcript therefrom, and of the whole of such original record.

In testimony whereof, I have hereunto set my hand,  
[L. s.] and affixed the seal of said court and county, this  
11th day of November, A. D. 1895.

J. H. COLLINS,  
*Deputy Clerk.*

## CERTIFIED COPIES OF PROCEEDINGS

PRIOR TO 1893.

The following certified copies of the proceedings of boards of supervisors relate to the change of boundaries of townships, by incorporation of villages, which were made previous to the publication of local acts, 1893, but which were never printed in the local acts of any year.

### BARRY COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of Woodland.

*Barry County Court House,*  
*[January 9, A. D. 1892, 8:30 a. m.]*

Board called to order by the chairman. Roll called. Minutes of previous meeting read, corrected and approved.

The following order in reference to the incorporation of the village of Woodland was here read by Mr. Swift:

*To the People of the Unincorporated Village of Woodland, in the Township of Woodland, Barry County, Michigan:*

THAT WHEREAS, Upon the 5th day of September, A. D. 1891, a certain petition signed by sixteen taxpayers and legal voters of your township, was drawn up, and duly published in the Woodland News, a newspaper printed in said village of Woodland, for four successive weeks from and after said 5th day of September, A. D. 1891; and

WHEREAS, Said petition, containing the names of original petition, also the original application and the affidavit of publication, and the census of said village; and

WHEREAS, Said petition and application was presented to the honorable board of supervisors of Barry county, Mich., at the regular meeting of said board held in the city of Hastings, commencing on the 12th day of October, A. D. 1891; and

WHEREAS, Said board of supervisors at said meeting appointed a committee of three members to visit said village of Woodland, and have investigated all the causes referred to, and try and determine whether, in their opinion, the prayer of the petitioners should be granted; and upon motion said committee was requested to report upon said petition at the January session of said board, to convene on the 4th day of January, A. D. 1892; and

WHEREAS, Said petition asked that said board of supervisors shall incorporate said village under the name of Woodland, to be governed by chapter 82 of Howell's annotated statutes, on page 750, and commencing with paragraph 2982 of said chapter 52; and

WHEREAS, On the 8th day of January, A. D. 1892, said committee reported to said board that prayer of said petitioners should be granted; and

WHEREAS, Said board, by a majority vote, accepted said report of said committee, and also by a vote ordered by the chairman of said board, upon the yeas and nays being called for, said report was adopted by a vote of yeas 17, nays 0 (one member of the board being absent).

Village of Wood-  
land incorpo-  
rated.

Now, therefore, we, the undersigned members of the board of supervisors, at a regular meeting as aforesaid, do hereby order that said village of Woodland, be and is hereby incorporated under said chapter 82 of Howell's annotated statutes, as aforesaid, with boundaries and boundary fixed as follows: Commencing at the section corner of sections number 15, 16 and 22 in town number four north of range number seven west, in Woodland township, Barry county and State of Michigan; commencing and running thence due east one hundred and sixty rods, thence due south three hundred and twenty rods, thence due west three hundred and twenty rods, thence due north three hundred and twenty rods, thence due east one hundred and sixty rods to place of beginning. Said board of supervisors also do hereby appoint as inspectors of election the following named persons, residents and legal voters and tax payers of said village: Jesse Jordan, Frank F. Hilbert, Lafayette Parrott, and also report as the date for said election to be held in said village the seventh day of March, 1892, to be held in the village of Woodland, upon that date, at the town house in said village. Said election to be governed by the same rules and regulations governing township meetings, except as to the board constituting said election board, and to be further governed by said chapter 82 as above referred.

Given under our hands and seals at the court house in the city of Hastings, this 9th day of January, A. D. 1892.

The above order was accepted and adopted by a vote of the board of supervisors of Barry county, Michigan, in session at the court house in Hastings, January 9th, 1892.

Whereunto witness our hands and seals this 9th day of January, A. D. 1892.

[L. s.] JOHN J. PERKINS,  
*Chairman.*

[L. s.] THOMAS S. BRICE,  
*Clerk.*

On motion of Mr. Abbey, the order was accepted and adopted by the following vote: Ayes—Messrs. Abbey, Densmore, Falconer, Hill, Hughes, Hyde, Mathews, McKevitt, Nagler, Nye, Perkins, Replogle, Ritchie, Roe, Smith, Swift, Williams—17. Nays—0. Mr. Brown excused.

On motion of Mr. Ritchie the minutes of the day were read and approved. Whereupon, on motion of Mr. Ritchie, the board then adjourned without day.

JOHN J. PERKINS,  
*Chairman.*

THOS. S. BRICE,  
*Clerk.*

STATE OF MICHIGAN, }  
County of Barry. } ss.

I, John G. Nagler, clerk of said county and of the circuit court thereof, a court of record, do hereby certify that I have compared the foregoing copy of order incorporating the village of Woodland in said county, with the original record thereof now remaining in the office of the county clerk of said county, and have found the same to be a correct transcript therefrom, and the whole of such original record.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court at Hastings, this 7th day of July, A. D. 1894.

JOHN G. NAGLER,  
*Clerk.*

## GRAND TRAVERSE COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of Kingsley.

From proceedings of the board of supervisors of Grand Traverse county, Michigan, October 14th, 1890.

The committee on towns submitted a report as follows:

The committee on towns make report upon petition and papers annexed for the incorporation of Kingsley village, and recommend that the following order of incorporation be approved by this honorable board.

*To the Honorable Board of Supervisors of Grand Traverse County, Michigan:*

Your committee to whom was referred the petition for the incorporation of the village of Kingsley, would respectfully report as follows, to wit:

That we have examined said petition, census list, notices attached, and affidavits attached thereto, and we believe the petitioners have complied with the requirements of the law.

Therefore, we recommend that the prayer of the petitioners and the following enactments be granted. All of which we would respectfully submit. Dated this 14th of October, 1890.

John Pulcifer, Allan H. Church, Geo. M. Swainston, Anthony Pohoral, C. M. Hager.

SECTION 1. On motion,

*Resolved*, That the board of supervisors of Grand Traverse county, Michigan, enact that the following described lands and territory, lying and being within the present limits of the township of Paradise, county of Grand Traverse and State of Michigan, to wit: Commencing at the southeast corner of the southeast quarter of section five, in township twenty-five north, of range ten west, thence east fifty rods, thence north one hundred and sixty rods, thence west one hundred and seventy rods, thence south two hundred and ninety rods, thence east one hundred and seventy rods, thence north one hundred and thirty rods, to a point fifty rods east of the place of beginning, all in township twenty-five north of range ten west, be and the same is hereby constituted a village corporate to be known as the "Village of Kingsley."

Boundaries of  
village of  
Kingsley.

First election.

SEC. 2. The first election of officers of said village shall be held on the second Tuesday of November, 1890, at the McCulley house in said village, notice of which shall be posted in three of the most public places in said village, by the board of registration hereinafter appointed at least ten days previous thereto.

Board of registration and inspectors.

SEC. 3. Henry Seegmiller, George W. Chaufy and Ambrose B. Stinson are hereby appointed and constituted a board of registration and a board of inspectors of election for the purpose of registering electors for the first election to be held in said village; the said board of registration are hereby required to meet at the McCulley house in said village on the Saturday next preceding the second Tuesday in November, 1890, and register the names of all persons residents of said village, presenting themselves for registration and having the qualifications of electors at annual township meetings. Due notice of which shall be given by said board in the same manner and time as provided in the preceding sections.

Act governing village.

SEC. 4. The said village of Kingsley shall in all things be governed by and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages, approved April 1st, 1875, and acts amendatory thereto.

On motion of Mr. Clyde, the report was accepted and adopted, by yeas and nays, as follows: Yeas—Messrs. Clyde,

Puloipher, Newton, West, Godard, Wightman, Bloodgood, Elliot, Church, Swainston, Wait, Pohoral, Hager—13. Nays—None.

On motion of Mr. West, the board adjourned for committee work to 8.30 o'clock tomorrow morning.

STATE OF MICHIGAN, }  
County of Grand Traverse. } ss.

I, J. L. Gibbs, clerk of said county of Grand Traverse, and clerk of the circuit court for said county, do hereby certify that I have compared the foregoing copy of part of record of proceedings of the board of supervisors of Grand Traverse county, Michigan, of October 14th, 1890, with the original record thereof, now remaining in my office, and that it is a true and correct transcript therefrom, and of the whole of such original record.

In testimony whereof, I have hereunto set my hand and  
[L. S.] affixed the seal of said court and county, this 15th  
day of December, A. D. 1893.

J. L. GIBBS,  
Clerk.

In the matter of the application of certain freeholders for the  
incorporation of the village of Fife Lake.

At the adjourned annual meeting of the board of supervisors of Grand Tarverse county, State of Michigan, convened pursuant to adjournment at Traverse City, Michigan, on the second day of January, A. D. 1889, and continuing, all members being present, the following action was taken relative to the incorporation of the village of Fife Lake, the same being copied from the record of proceedings had at said meeting.

*January 2, 1889.*

W. A. Newton, supervisor of the town of Fife Lake, presented the petition of fifteen or more freeholders of said township for the incorporation of a portion of the said township into a village, to be known hereafter as the village of Fife Lake, and requests that an order be made in accordance with the statute confirming the prayers of the said petitioners.

On motion of Geo. H. Wightman, duly carried, said petition, and papers attached was referred to the committee on towns.

*January 3, 1889.*

Board met pursuant to adjournment; called to order by the chair.

Roll called, members all present.

Committee on towns made report through their chairman, upon petition, and papers annexed, for the incorporation of

Fife Lake village, and recommend that the following order of incorporation be approved by this honorable board:

*To the Honorable Board of Supervisors of Grand Traverse County:*

Your committee to whom was referred the petition for the incorporation of the village of Fife Lake, would respectfully report as follows, viz.:

That we have examined said petition, census list, notice and affidavits attached thereto, and we believe the petitioners have complied with the requirements of the law.

Therefore, we recommend that the prayer of the petitioners and the following enactment be granted. All of which we would respectfully submit.

Dated this 2d day of January, 1889.

J. W. Gitchell, W. W. Bartlett, Jas. A. Button, committee.

SECTION 1. On motion,

*Resolved*, That the board of supervisors of Grand Traverse county enact that the following described lands and territory, the same lying and being within the present limits of the township of Fife Lake, county of Grand Traverse, and State of Michigan, to wit: South half of northeast quarter and the southeast quarter section eleven, south half of northwest quarter and southwest fractional quarter section twelve, north half of northwest fractional quarter section thirteen (supposed to be lake), north fractional half northeast fractional quarter section fourteen, all in township 25 north of range 9 west, be and the same is hereby constituted a village corporate, to be known as the village of Fife Lake.

SEC. 2. The first election of officers of said village shall be held on the 1st Tuesday in March, A. D. 1889, at the town hall in said village, notice of which shall be posted in three of the most public places in said village by the board of registration hereinafter appointed, at least ten days previous thereto.

SEC. 3. W. A. Newton, E. C. Brower and Charles A. Tracy are hereby appointed and constituted a board of registration and a board of inspectors of election for the purpose of registering votes for the first election to be held in said village. The said board of registration are hereby required to meet at the town hall in said village on the Saturday next preceeding the first Tuesday in March, A. D. 1889, and register the names of all persons residents of said village, presenting themselves for registration, and having the qualifications of voters of annual township meetings. Due notice of which shall be given by said board in the same manner and time as provided in the preceding section.

SEC. 4. The said village of Fife Lake shall in all things be governed by, and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April 1st, 1875, and acts amendatory thereto.

Boundaries of  
village of Fife  
Lake.

First election.

Board of regis-  
tration and in-  
spectors.

Act governing  
village.



On motion of Geo. H. Wightman, duly carried, by yeas and nays as follows the said report and recommendations are accepted and adopted. Every (13) member voting yea.

STATE OF MICHIGAN, }  
County of Grand Traverse. } ss.

I, J. L. Gibbs, clerk of said county of Grand Traverse and clerk of the circuit court for said county, do hereby certify that I have compared the foregoing copy of record of proceedings of the board of supervisors of said county, relative to the incorporation of the village of Fife Lake, with the original record thereof, now remaining in my office, and that it is a true and correct transcript therefrom, and of the whole of such original record.

In testimony whereof, I have hereunto set my hand, and  
[ L. S. ] affixed the seal of said court and county, this 21st  
day of November, A. D. 1895.

J. L. GIBBS,  
Clerk.

## HOUGHTON COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of Calumet.

The application of John Mills, B. Venturino, W. M. Harris, Math Sailor, Louis Gingrass and others, asking for the incorporation of the territory described in their application, was presented to the board, and after hearing the parties interested therein, it satisfactorily appearing to the board that all the requirements of the act concerning the incorporation of villages by boards of supervisors (being chapter 82 of Howell's annotated statutes of Michigan), concerning said application, have been complied with, and said territory contained the population required by said act.

It is ordered, that the territory described in said application, to wit: All that portion of section twenty-four (24) in township number fifty-six (56), north of range thirty-three (33) west, in the county of Houghton, and State of Michigan, bounded and described as follows, to wit: Beginning at the quarter post on the west line of said section, thence north along said section line eighty-five and five-tenths (85 5-10) feet to an iron pin; thence north twenty-seven degrees and eleven minutes east (north twenty-seven degrees, eleven minutes east) twenty-three hundred and forty-six and four-tenths (2346 4-10) feet; thence south sixty-two degrees and forty-nine minutes east (south 62 degrees, 49 minutes east), six hundred and sixty (660) feet; thence south twenty-seven degrees and eleven minutes west (south 27 degrees, 11 minutes west) twenty-seven

Boundaries of  
village of  
Calumet.

hundred and seventy-one and three-tenths (2771 3-10) feet; thence south sixty-two degrees and thirty-nine minutes west (south 62 degrees, 39 minutes west) four hundred and thirty-six and six-tenths (436 6-10) feet, to the west line of said section; thence north zero degrees and twenty-four minutes west (north 0 degrees, 24 minutes west), along said west line of said section seven hundred and ninety-four and six-tenths (794 6-10) feet, to the place of beginning, containing forty-two and one-tenths (42 1-10) acres, be the same more or less.

N. B.—In the foregoing description the section line running from the quarter section post on the west line of said section, to the northwest corner of said section, is assumed to be a true north and south line; said territory not being more than one square mile in extent, and containing a resident population of not less than three hundred persons; all of the above described territory being in and forming part of the township of Calumet, in said county of Houghton, shall be an incorporated village, by the name of the village of Calumet.

And it is further ordered that William M. Harris, E. D. Burgess and Eugene C. Welden be appointed inspectors of election, to hold the first election in said village, that said first election shall be held on the 14th day of May, A. D. 1889, at the house of Jules Lamielle in said village.

Adopted by yeas and nays, a majority of all the members elect voting therefor, to wit: Yeas—William Tonkin, John Duncan, F. A. Trevarthan, Arno Jaehnig, A. J. Scott, Henry Laird, John Daniell, John P. Hunt, Daniel Klocckner and Willard E. Gray—10. Nays—None.

JOHN DUNCAN,  
*Chairman.*  
PETER PRIMEAU,  
*Clerk.*

STATE OF MICHIGAN, }  
County of Houghton. } ss.

I, Robert H. Shields, clerk of said county of Houghton and clerk of the circuit court for said county, do hereby certify that I have compared the foregoing copy of the proceedings of the board of supervisors of said county, organizing the village of Calumet, held Thursday, April eighteenth, 1889, with the original record thereof, now remaining in my office, and that it is a true and correct transcript therefrom, and of the whole of such original record.

In testimony whereof, I have hereunto set my hand, and  
[L. S.] affixed the seal of said court and county, this 2d  
day of July, A. D. 1894.

ROBERT H. SHIELDS,  
*Clerk.*

## IRON COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of Crystal Falls.

## ADJOURNED MEETING.

*Crystal Falls, January 24, 1889.*

Board met pursuant to adjournment. Present—Supervisors Doucet, Tulley, Nesbitt and Klyenstuber.

A petition was then read to the board signed by citizens of Crystal Falls township, praying the board to take such action as may be necessary for the incorporation of Crystal Falls as a village, to be called the village of Crystal Falls.

Motion of Supervisor Doucet that a committee be appointed to examine into the matter of incorporating Crystal Falls as a village. Carried.

The chairman appointed Supervisor Klyenstuber, E. P. Lott and A. L. Flewelling as such committee.

The committee appointed presented the following report:

Your committee to whom was referred the petition of J. B. Schwartz, Adolph Lustfield and nineteen others, praying that certain territory therein described be incorporated as a village under the name of the village of Crystal Falls, beg leave to report that they had the same under consideration and report the adoption of the accompanying resolution:

WHEREAS, Application by petition has been made to this board, signed by J. B. Schwartz, Adolph Lustfield and nineteen other legal voters, residents in the territory, in the accompanying resolution set forth, praying that that portion of the township of Crystal Falls in Iron county, comprising the said territory, be incorporated as a village, to be known as the village of Crystal Falls, which said petition was attached to a census of the inhabitants of the said territory, duly sworn to, as well as proof of the due publication of notice of intention to present said petition, and it appearing that all the requirements of law have been complied with, in reference to the said application, petition, publication and census, and that there being no opposition thereto; therefore

*Resolved*, That portion of the territory of the township of Crystal Falls, in Iron county, described as follows, viz.:

The southeast quarter of the southwest quarter and lot numbered four (4) of section twenty (20), the northeast quarter, the east half of the northwest quarter, the northeast quarter of the southwest quarter, the north half of the southeast quarter of section twenty-nine (29); the northwest quarter of the southwest quarter and lots numbered seven (7), eight (8) and nine (9) of section twenty-eight (28), all in township numbered forty-three (43) north of range numbered thirty-two (32) west, being in the township of Crystal Falls, in the county of Iron and State of Michigan, all comprising an area of less than one

Boundaries of  
village of  
Crystal  
Falls.

First election.

square mile, be and the same is hereby incorporated into a village, to be known as the village of Crystal Falls, and that the first election of officers in said village be held at the town hall on Tuesday, the fifth day of March, A. D. 1889, and that J. B. Schwartz, Adolph Lustfield and Patrick E. Dunn be appointed inspectors to hold such first election in said village.

On motion of Supervisor Klyenstuber, the resolution presented by the committee was adopted, ayes and nays as follows: Ayes—Fred L. Klyenstuber, Wm. J. Tulley, Wm. Doucet and Wm. Nesbitt. Nays—None.

WM. NESBITT,  
*Chairman.*  
P. E. DUNN,  
*Clerk.*

STATE OF MICHIGAN, }  
County of Iron. } ss.

I, D. R. Brown, deputy clerk of said county of Iron, and deputy clerk of the circuit court for said county, do hereby certify that I have compared the foregoing copy of proceedings had by the board of supervisors of said county, relative to incorporation of the village of Crystal Falls, on the 24th day of January, A. D. 1889, with the original record thereof, now remaining in my office, and that it is a true and correct transcript therefrom, and of the whole of such original record.

In testimony whereof, I have hereunto set my hand,  
[L. S.] and affixed the seal of said court and county, this  
twenty-first day of November, A. D. 1895.

D. R. BROWN,  
*Deputy Clerk.*

## ISABELLA COUNTY.

In the matter of the application of certain freeholders to detach certain territory from the township of Gilmore and attaching the same to the township of Isabella.

[THIRD DAY'S SESSION.

*January 4, 1877.*

The board was called to order at 8:30 o'clock a. m., by the chairman *pro tem.*, Mr. Estee.

Roll called, all present. Minutes of the previous day's work read and approved.

*To the Honorable Board of Supervisors, Isabella County:*

GENTLEMEN—In the matter of the application of the petition of Jesse H. Wood and other resident freeholders of the township of Gilmore, and Peter Jackson and others, of the township

of Isabella, for the purpose of changing the boundary line of the township of Isabella, so that section six of congressional township fifteen north, of range four west, may be detached from the organized township of Gilmore, and the same attached to the township of Isabella; and

WHEREAS, It appears a petition has been signed, and that notice has been published and posted in said townships, as is required by law, as appears by affidavits now on file; therefore be it

*Resolved by the Board of Supervisors of Isabella County,* Territory detached from Gilmore and attached to Isabella.  
That said section six of the township fifteen north of range four west, be detached from the organized township of Gilmore and the same attached to the township of Isabella, said change to take effect on and after the first day of April, A. D. 1877.

(Signed) A. C. VREDENBURG.

The resolution was supported and passed.

STATE OF MICHIGAN, }  
County of Isabella. } ss.

I, George H. Lawrence, clerk of the board of supervisors of said Isabella county, and clerk and register in chancery of said county, hereby certify that the above and foregoing is a true and compared copy of the resolution as appears by the records now in my office, and the whole thereof.

[L. S.]

GEO. H. LAWRENCE,  
Clerk.

## KENT COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of Caledonia.

From proceedings of the board of supervisors.

*Tuesday, January 10, 1888.*

A petition signed by Tobias Bergy and twenty-six others, praying that this board make an order creating section twenty-nine of Caledonia township, Kent county, Michigan, an incorporated village under the name of Caledonia, or such other name as the board may see fit to determine, was presented, and on motion of Mr. Sullivan referred to the committee on roads and bridges.

*Wednesday, January 11, 1888.*

A remonstrance against the incorporation of section twenty-nine of Caledonia township, Kent county, Michigan, as a village, signed by Michael Maloney and fifty-two others, was presented and on motion of Mr. Loomis referred to the committee on roads and bridges.

*Wednesday, January 18, 1888.*

The committee on roads and bridges made the following report, and on motion of Mr. Roberts the same was accepted

*To the Honorable Board of Supervisors of Kent County:*

**GENTLEMEN**—Your committee, to whom was referred the petition for the incorporation as a village of section twenty-nine, Caledonia, have considered the same, and on consultation with the prosecuting attorney, find a defect in one of the affidavits and report the same back to the board without recommendation. Respectfully submitted, Neil Stewart, Nicholas D. Emmons, W. D. Frost, Everett Hurd, committee.

On motion of Mr. Colson, the petition for the incorporation as a village of section twenty-nine, Caledonia township, and the remonstrance against the same, were laid on the table.

*Friday, January 20, 1888.*

On motion of Mr. Colson, the petition for the incorporation as a village of section twenty-nine, Caledonia township, and the remonstrance against the same, were taken from the table.

On motion of Mr. Colson, a defect in the affidavit of the publication of notice of said petition was allowed to be corrected.

A supplemental petition was read from Chas. G. Johnson and eight others, asking that their names be attached to said original petition for incorporation, and on motion of Mr. Johnson the same was received and the request complied with.

Mr. Colson moved that the prayer of the petition for incorporation be granted.

Mr. Sullivan moved as a substitute that the matter be made the special order for two o'clock this afternoon.

Lost by the following vote, Mr. Loomis calling for the yeas and nays: Yeas—Messrs. Giffin, Havens, Kinney, Mitchell, Phelps, Payne, Stewart, Sullivan, Woodworth—9. Nays—Messrs. Benjamin, Colson, Clements, Courtney, Frost, Fenton, Gould, Griswold, Gulliford, Hill, Hurd, House, Johnson, Kelley, Loomis, McNeal, Roberts, Rice, Sinclair, Steketee, Shickell, Skinner, Shattuck, chairman—24. Not voting—Messrs. Emmons and Schermerhorn—2.

Mr. Colson's motion being thereupon put, the same was carried by the following vote, Mr. Gulliford calling for the yeas and nays: Yeas—Messrs. Benjamin, Clements, Emmons, Frost, Fenton, Gould, Griswold, Gulliford, Giffin, Hill, Havens, Hurd, House, Johnson, Kinney, Kelley, Loomis, McNeal, Mitchell, Phelps, Payne, Roberts, Rice, Sinclair, Steketee, Shickell, Skinner, Shattuck, Woodworth, chairman—30. Nays—Messrs. Courtney, Stewart, Sullivan—3. Not voting—Messrs. Colson and Schermerhorn—2.

On motion of Mr. Colson, the prosecuting attorney was requested to prepare the papers necessary for said incorporation and present them to this board tomorrow at nine o'clock in the forenoon.

*Saturday, January 21, 1888.*

The following order was read, and on motion of Mr. Payne, the same was adopted, a majority of the members elect voting therefor:

WHEREAS, An application has been made to the board of supervisors of the county of Kent, by not less than fifteen legal voters residing within the territory to be incorporated, for the incorporation of the village of Caledonia; and

WHEREAS, An accurate census has been taken of the resident population of such territory proposed to be incorporated, and the same duly verified; and

WHEREAS, Notice of such application has been given that they will apply to the board of supervisors for the county of Kent for the incorporation of said village, and we, the said board of supervisors for the county of Kent, in regular session assembled, being satisfied that all the requirements of this act in respect to such application have been complied with, and that such territory contains the population required by law, it is hereby ordered that the territory as follows, to wit: Section twenty-nine, in the county of Kent and State of Michigan, being all in town number five north of range ten west, be and the same is hereby constituted a village corporate by the name and under the style of the village of Caledonia;

Territory incorporated as village of Caledonia.

And it is further ordered, that Eugene Ward, John McQueen and Tobias Bergy be and are hereby appointed inspectors of election to hold the first election is said village;

Inspectors of election.

And it is further ordered, that Monday, the 12th day of March, A. D. 1888, be and is hereby appointed the time for the holding of such election, and that Caledonia station is appointed the place for holding such election.

First election.

The vote on the adoption of said order was as follows: Yeas—Benjamin, Clements, Courtney, Emmons, Frost, Fenton, Gulliford, Giffin, Hill, Havens, Hurd, House, Johnson, Kinney, Kelley, Loomis, McNeal, Mitchell, Phelps, Payne, Roberts, Rice, Stewart, Sinclair, Steketee, Sohermerhorn, Shattuck, Woodworth, chairman—29. Nays—0. Not voting—Mr. Colson—1. Absent—Messrs. Gould, Griswold, Sullivan, Shickell, Skinner—5.

J. W. WALKER,

*Chairman.*

CORNELIUS L. HARVEY,

*Clerk.*

STATE OF MICHIGAN, )  
County of Kent. ) ss.

I, Franklin D. Eddy, clerk of the said county of Kent, do hereby certify that the above and foregoing is a true and correct transcript of the proceedings of the board of supervisors of said county, in the matter of incorporation of the village of Caledonia, compared by me with the original record in the

office of the clerk of said county, and of the whole of such original record.

In testimony whereof, I have hereunto set my hand and official seal at the city of Grand Rapids, in said [L. s.] county, this 5th day of October, one thousand eight hundred and ninety-four.

FRANKLIN D. EDDY,  
Clerk.

In the matter of the application of certain freeholders for the incorporation of the village of Sand Lake.

Proceedings of the board of supervisors.

*Thursday November 14, 1878.*

A petition was received from Nelson township, asking that the following described territory be incorporated as a village: North half of section five and west half of the northwest quarter of section four, all in town ten north, range ten west, Kent county, Michigan. A remonstrance was also received and the same was referred to committee on roads and bridges.

Proceedings of the board of supervisors:

*Friday, November 15, 1878.*

The committee on roads and bridges made the following report:

*To the Honorable Board of Supervisors of Kent County:*

Your committee, to whom was referred the petition of David Walker, Benton Lewis, Albert H. Brown and others, asking that the following described territory, to wit: The north half of section five and the west half of the northwest quarter of section four, all in town ten north of range ten west, in the township of Nelson, Kent county and State of Michigan, be incorporated as a village, and the remonstrance against the same, have had the same under consideration, and being satisfied that the preliminary steps required by law have been taken, would respectfully report in favor of granting the prayer of the petitioners, and recommend the passage of the following resolution:

*Resolved,* That the following described territory, to wit: The north half of section five and the west half of the northwest quarter of section four, all in town ten north of range ten west, in the township of Nelson, Kent county and State of Michigan, be and the same is hereby constituted a village corporate, by the name and title of the village of Sand Lake, and we appoint Geo. W. Crabb, Theodore I. Phelps and Adelbert D. Eldridge, inspectors of election, to hold the first election in said village, and we hereby appoint the first Monday in

Territory included in village of Sand Lake.



January, eighteen hundred and seventy-nine, as the time for holding such first election, the office of E. Ware & Co. as the place of holding such election.

P. McLean, A. D. Thomas, M. J. Ulrich, H. N. Naysmith, Norton Fitch.

On motion of Mr. Elsworth the report was accepted and the recommendation of the committee adopted, a majority of all the members elect voting therefor.

WM. P. WHITNEY,  
*Chairman.*  
FRED S. CLARK,  
*Clerk.*

STATE OF MICHIGAN, }  
County of Kent. } ss.

I, Franklin D. Eddy, clerk of the said county of Kent, do certify that the above and foregoing is a true and correct transcript of the proceedings of the board of supervisors of said county, in the matter of incorporation of the village of Sand Lake, compared by me with the original record in the office of the clerk of said county, and of the whole of such original record.

In testimony whereof, I have hereunto set my hand and official seal, at the city of Grand Rapids, in said  
[L. S.] county, this 5th day of October, one thousand eight hundred and ninety-four.

FRANKLIN D. EDDY,  
*Clerk.*

## MACKINAC COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of St. Ignace.

Adjourned meeting of the board of supervisors, held at Mackinac Island on February 23, 1882.

*To the Honorable Board of Supervisors of the County of Mackinac:*

The undersigned residents of the township of St. Ignace, county of Mackinac and State of Michigan, respectfully petition your honorable body to incorporate the village of St. Ignace out of the territory hereinafter described, and of which the said petitioners are residents, to wit, as follows:

All of fractional section six, seven; also that portion of the private claim nineteen owned by the Mackinac Lumber Company and others, all in town forty north, range three west, and not exceeding one square mile in extent, according to plat herewith annexed and marked exhibit A, and your peti-

*Petition for incorporation of village of St. Ignace.*

*Territory included.*

tioners further show that the number of persons residing in such territory, according to the census taken, is five hundred and twenty-seven.

With this petition we submit the census taken and affidavit verifying same marked exhibit B, together with copy of notice posted and affidavit of posting same, marked exhibit C.

And your petitioners will ever pray.

On motion petition was referred to committee on county and towns.

The committee on county and towns, to whom was referred the petition of B. B. Hazleton and others, asking for the incorporation of the village of St. Ignatius, respectfully to the honorable board of supervisors.

Your committee, to whom was referred the petition of B. B. Hazleton and others, asking for the incorporation of the village of St. Ignatius, respectfully report, we have had the same under consideration, and beg to return same back to the board without any recommendation, asking to be discharged from further consideration of the subject.

W. H. BOUCHA,

*Chairman.*

On motion the report was accepted and committee discharged.

On motion an informal ballot was taken on the incorporation of the village of St. Ignatius, with the following result:

There were eight votes cast and they were given as follows:  
Ayes—4. Noes—3. Blank—1. Total—8.

A formal ballot was then taken with the following result:

There were eight votes cast and they were given as follows:  
Ayes—5. Noes—2. Blank—1. Total—8.

The question was declared carried and the prayer of petitioners granted.

*Resolved*, That the name St. Ignace be inserted in the petition after the words "village of" in place of St. Ignatius.

On motion the resolution was adopted

STATE OF MICHIGAN, }  
County of Mackinac. } ss

I, M. Hoban, clerk of Mackinac county, do hereby certify that the foregoing is a true copy of the proceedings incorporating the village of St. Ignace, as appears of record in my office.

In testimony whereof, I have hereunto set my hand and  
[L. S.] seal this 28th day of November, 1894.

M. HOBAN.

*Clerk.*

## MANISTEE COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of Bear Lake.

Proceedings of the board of supervisors of Manistee, Mich.

October 12, 1893.

The following petition was read and adopted :

*To the Honorable Board of Supervisors of Manistee County, Michigan:*

We, the undersigned petitioners, pray that you incorporate the territory embraced in the east fractional half of section five town twenty-three north, of range fifteen west, Michigan, as the village of Bear Lake, according to the laws provided therefor, at your next session. (Signed by forty names.)

Petition for incorporation of village of Bear Lake.

## AFFIDAVIT OF PUBLICATION.

The subscriber, being duly sworn, deposes and says, that he is the printer and publisher of the Bear Lake Beacon, a newspaper printed and circulated in the county of Manistee and State of Michigan, that the notice hereto annexed was published in the said Bear Lake Beacon, four weeks in succession, and that the first publication thereof was on the second day of September, 1893, and the last publication thereof on the seventh day of October, 1893.

A. J. L. KEDDIE.

Sworn to and subscribed before me this seventh day of October, 1893.

C. W. TOMLIN,  
*Notary Public.*

Notice is hereby given, that we shall make application to the board of supervisors of the county of Manistee, Michigan, at their regular meeting in October, 1893, for the incorporation of the following territory, to wit: East fractional half of section five, town twenty-three north, range fifteen west, of Bear Lake township, State of Michigan, county of Manistee, to be known as the village of Bear Lake. Heads of families, number of persons, 375.

Personally appeared before me, C. W. Tomlin, a notary public at Bear Lake, October 9, 1893, and swears the within list is the number of inhabitants on the east fractional half of section five, town twenty-three north, range fifteen west, on the fifteenth day of September, eighteen hundred and ninety-three.

C. W. TOMLIN,  
*Notary Public.*

*Thursday, October 19, 1895.*

Moved by Mr. Mungesser, that the matter of selecting three commissioners of election for the village of Bear Lake, and to prescribe the time for holding the first election of officers in said incorporated village, be referred to a committee of three, said committee to be selected by the chairman, which motion carried. The chair then appointed Messrs. Dunke, McKnight and Finch as such committee.

*Friday, October 20, 1895.*

The committee, to whom was referred the matter of the selection of inspectors of election for the village of Bear Lake, and to prescribe the time of holding the first election in said village, reported as follows:

*To the Honorable Board of Supervisors:*

**Inspectors of  
first election.**

GENTLEMEN—Your special committee on the village of Bear Lake have the honor to report that we have examined the law in such matters and would recommend that L. D. Shirtliff, M. D. Swain and Joseph Sanders be appointed election inspectors for the village of Bear Lake.

**Time and place  
of holding  
election.**

We would also recommend that the time of the first meeting be November 20, 1895, in Bear Lake Opera House. All of which is respectfully submitted.

M. Dunke, Geo. W. McKnight, L. L. Finch, committee.  
I do hereby certify that the foregoing is a true copy of all the proceedings in the village matter.

[L. s.]

**C. A. NICKUM,**  
*County Clerk.*

*November 26, 1895.*

In the matter of the application of certain freeholders for the incorporation of the village of Copemish.

*Tuesday, January 6, 1891.*

**Proceedings for  
incorporation of  
village of Copemish.**

Pursuant to a call for a special meeting on file in this office the board of supervisors for the county of Manistee convened at the court house in city of Manistee, said county, at 2 o'clock, p. m., on Tuesday, January 6th, 1891.

The following members were present: Luther L. Finch, Arcadia; Wm. G. Kingscott, Bear Lake; Thomas Kerry, Brown; Irus H. White, Cleon; Frank Buhl, Jr., Filer; Robert C. Atkinson, Manistee; Chas. Rockwell, Maple Grove; H. A. Danville, Marilla; Joseph Werle, Onkama; Michael Dunke, Pleasanton; Adolph Zander, Stronach; John N. Lathwell, Springdale; John D. Thorp, first ward; B. F. Wilson, second ward; Geo. Wiedo, third ward; Fred C. Hanson, fourth ward.

The following report of special committee was read :

*To the Honorable Board of Supervisors of Manistee County:*

GENTLEMEN—Your special committee, to whom was referred the petition of George E. Hunter and fifteen others, who are legal voters and residents of the territory embraced within the boundaries of the proposed village of Copemish, would respectfully report that we have made a careful examination of the petition and other documents attached thereto, and we find all the proceedings taken by the parties have been regular and in accordance with law. We would therefore recommend that the prayer of the petitioners be granted. And we would further recommend the adoption of, by this board, the appended resolutions, which we make a part of our report, and are, viz. :

WHEREAS, Application has been made by George E. Hunter, Frank S. Michols, Walter W. Gibb, John F. Hunter, Thomas F. Fralick, N. J. Ackley, R. J. Miner, Lee E. Palmer, C. R. Bunker, George H. Marzolf, William Adams, John W. Huff, John H. Freeland, Wilber C. Harrington, F. W. Clark and William R. Smith, legal voters, residing within the territory hereinafter described, praying for the incorporation of said territory as a village, to be known as the village of Copemish; and

WHEREAS, It appears from said application, and from due proof on file therewith that said territory includes within its boundaries a territory of not more than one square mile in extent, and contains a resident population of three hundred and eighteen persons, as shown by the sworn census of said population, attached to said application, and that due notice of said application has been given to all persons interested as required by law, by posting notices thereof in five of the most public places in said territory, as appears from a copy of said notice, signed by said parties, with an affidavit showing the time when and the places where said notices were posted, which are attached to said application and filed therewith. It further appearing, that no newspaper was published within said territory; and

WHEREAS, It appears, that all the proceedings taken by the parties have been regular and according to law, and due notice given, that said application would be presented on the sixth day of January, A. D. 1891, to the board of supervisors of the county of Manistee, that being the first day of the present session thereof; now therefore be it

*Resolved by the Board of Supervisors of the County of Manistee,* And the said board does hereby order and declare that the following described territory, to wit: The south half of the southeast quarter, and the southeast quarter of the southwest quarter of section seven; the southwest quarter of the southwest quarter of section eight; the west half of the northwest quarter, and the northwest quarter of the southwest quarter, of section seventeen; and the northeast quarter, the north half of the southeast quarter, the northeast quarter of the southwest quarter, and the east half of the northwest quar-

*Territory included.*

ter of section eighteen, all in township numbered twenty-four north of range numbered thirteen west, being the township of Cleon, in said county of Manistee, shall be and is an incorporated village under and by the name of the village of Copemish. And the said board of supervisors doth further order that the first election of said village of Copemish shall be held on the 10th day of February, A. D. 1891, at the warehouse of Buckley and Douglass, within the limits of said village, as above described, and that N. J. Ackley, Wilbur E. Bailey and F. W. Clark are hereby appointed inspectors of election, to give notice of and hold such first election. All of which is respectfully submitted.

Michael Dunke, W. G. Kingscott, I. H. White, committee.

On motion of Kerry, supported by Finch, the same was adopted.

B. F. WILSON,  
*Chairman.*  
WILL A. WAITE,  
*Clerk.*

STATE OF MICHIGAN, }  
County of Manistee. } ss.

I, C. D. Stanley, clerk of the county of Manistee and the courts thereof, do hereby certify that I have compared the foregoing copy of resolutions of board of supervisors of said county, incorporating the village of Copemish, with the original of record in my office, and that the same is a correct transcript therefrom, and the whole of such original.

Witness my hand and the seal of the circuit court for  
[L. s.] the county of Manistee, at the city of Manistee, this  
16th day of February, A. D. 1894.

C. D. STANLEY,  
*Clerk.*

## OAKLAND COUNTY.

In the matter of the application of certain freeholders for the  
incorporation of the village of Leonard.

*Pontiac, January 10, 1889.*

Incorporation  
of village of  
Leonard.

SECTION 1. Your committee, to whom was referred the application and petition of Leonard Rowland and eighty-six other legal voters residing in the territory hereinafter described, praying for an order declaring that such territory shall be an incorporated village, to be known and designated as the village of Leonard, and your committee, having heretofore reported that the prayers of the petitioners be granted, and such report being accepted and laid on the table; therefore, your committee would respectfully further report and recommend the adoption of the following order for that pur-

pose. That upon reading and hearing the petition, and the parties in the matter of the petition, praying for the incorporation of the village of Leonard, and the board being satisfied that the requirements of chapter 82 of Howell's annotated statutes, being an act providing for the incorporation of villages by boards of supervisors, in respect to such application, has been fully complied, and that the territory hereinafter described contains the population required by the said act; therefore, in pursuance of the statutes in such case made and provided, and of the authority vested in the board of supervisors of the county of Oakland, being the county in which such territory is situated.

The board of supervisors declare that the territory contained in the east one-half of section ten, and the west one-half of section eleven east, of Oakland county and the State of Michigan, be and the same is hereby declared an incorporated village, to be known as the village of Leonard, and subject to and under the provisions of the general act for the incorporation of villages by the boards of supervisors, being chapter 82 of Howell's annotated statutes of the State of Michigan, and in and by such name may sue and be sued, and do all other acts and things provided for in said act. Territory included.

SEC. 2. The first election of officers of said village shall be held on the first Tuesday in March in the year one thousand eight hundred and eighty-nine in said village. First election.

SEC. 3. Allen Hazelton, William Yakeley and William J. Hare are hereby appointed as inspectors of election for holding the first election required by said act. The additional report was accepted by the mover of the original motion to adopt. Inspectors of.

Mr. Hicks moved to amend by adding "east half of the," thus making the order read "The territory contained in the east half of the east one-half of section ten, and the west half of section eleven, etc." Territory included.

The amendment prevailed.

The question now recurred on the adoption of the report as amended, which said report so amended was adopted.

LAFAYETTE BOSTWICK,

*Chairman.*

JOHN MATHEWS,

*Deputy Clerk.*

STATE OF MICHIGAN, }  
County of Oakland. } ss.

I, Frederick Harns, clerk of said county of Oakland and clerk of the circuit court for said county, do hereby certify that I have compared the foregoing copy of proceeding of board of supervisors with the original record thereof now remaining in my office, and that it is a true and correct transcript therefrom, and of the whole of such original record.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court and county, this 21st day of November, A. D. 1895.

FREDERICK HARNs,

*Clerk.*

## SANILAC COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of Forestville.

STATE OF MICHIGAN, }  
County of Sanilac. } ss.

Board of supervisors of said county:

Proceedings for  
incorporation of  
village of For-  
estville.

WHEREAS, Thirty (and upwards) legal voters residing within the territory hereinafter described have made application by petition to this board that said territory be incorporated a village to be known as the "village of Forestville;" and

WHEREAS, It appears by affidavit of D. W. Snody, on file with the clerk of this board and attached to said application, that said legal voters (applicants) within sixty days before making the application aforesaid, caused an accurate census to be taken of the resident population of said territory, which census is now on file and attached to said application, and exhibits the name of every head of a family residing within said territory on the day made, and the number of persons belonging to such family, and which census is verified by the affidavit of the person taking the same written thereon; and

WHEREAS, It appears by affidavits on file and attached to said application that the persons intending to make, and who now make such application, gave due and legal notice by publication and posting as required by law, that they would apply to this board for an order incorporating said territory, a village, which notice was in accordance with law; and

WHEREAS, Said petition is subscribed by thirty-eight residents of said territory and legal voters therein, gives the name of the proposed village, describes said territory, and sets forth the number of persons residing therein, to wit: 330, according to such census, and is in every other respect in accordance with the statute in such case made and provided; and

WHEREAS, After a full hearing of all the parties interested in this matter, who have appeared and asked to be heard; and this board being satisfied that all the requirements of act number three, entitled "An act to provide for the incorporation of villages within the State of Michigan," and defining their powers and duties, Approved February 19, 1895, in respect to said application, have been complied with, and that said territory contains the population required by this act; and

WHEREAS, Said territory contains an area of not less than one square mile, and a resident population of not less than three hundred persons; therefore, it is

Ordered by this board at its regular session held at the village of Sanilac Center, in said county, on the 18th day of October, A. D. 1895, that said territory, to wit: situate in the township of Delaware, in the county of Sanilac and State of Michigan, and more particularly described as follows, to wit: commencing at the northeast corner of the southeast fractional quarter of fractional section eight, in town fourteen north, of

Boundaries of  
village.



range sixteen east; thence running west through said fractional section eight and section seven in said town, to the range line between ranges fifteen and sixteen east; thence running south along said range line to the southwest corner of the northwest quarter of section eighteen; thence running east through said section eighteen to section line running north and south between fractional sections seventeen and eighteen; thence running south along said section line to the southwest corner of the northwest quarter of the southwest quarter of said fractional section seventeen; thence east to Lake Huron; thence running northerly to the place of beginning, and containing the following described land, viz.: The south half of fractional section eight, the south half of section seven, the north half of section eighteen, the north half of fractional section seventeen, and the north half of the south half of said fractional section seventeen, all in town fourteen north, of range sixteen east, be and the same is hereby incorporated a village, to be known as "the village of Forestville;"

*Territory included.*

And further, This board appoints 11th day of November, A. D. 1895, commencing at 8 o'clock in the forenoon, at Colombia Hall, in said territory and village, as the time and place of holding the first election in said village;

*First election.*

And further, This board appoints Alexander Stephens, John H. Trace, Emil Hints, Emil Zwicker, four discreet residents of said territory and village, and qualified electors therein, to constitute and be a board of registration for said first election.

*Board of registration.*

James Lane, supervisor, supported by O. A. Munn, supervisor.

Moved by Supervisor Frank Auslander, supported by Orrin A. Munn, that the board adjourn until tomorrow morning at 9 o'clock. Motion carried. Thereupon the board adjourned.

THOMAS GRIMES,

*Chairman.*

E. M. DENTON,

*Clerk.*

STATE OF MICHIGAN, }  
County of Sanilac. } ss.

I, E. M. Denton, clerk of said county of Sanilac, and clerk of the circuit court for said county, do hereby certify that I have compared the foregoing copy of order of board of supervisors incorporating the "village of Forestville," with the original record thereof, now remaining in my office, and that it is a true and correct transcript therefrom, and of the whole of such original record.

In testimony whereof, I have hereunto set my hand, and affixed the seal of said court and county, this 21st day of November, A. D. 1895.

E. M. DENTON,

*Clerk.*



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# INDEX.

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# INDEX.

	PAGE.
Adrian City: charter of amended .....	60
Albert Township: in Montmorency county, authorized to borrow money to construct system of lighting and fire protection .....	307
Albion City: charter of, amended .....	356
Alger County: Rock River, Onota and Matthias townships, territory detached from .....	59
Alpena City: authorized to construct or purchase water works system .....	603
Alpena County: board of supervisors authorized to bond for the construction of county roads .....	93
Ann Arbor City: authorized to construct sewer system and legalize proceedings had .....	52
act to reincorporate amended .....	78
Washtenaw county, common council authorized to enter into contract with gas or electric light company for public lighting .....	157
Appendix: proceedings of board of supervisors in changing boundaries of townships .....	
Arenac County: Lincoln township in, authorized to borrow money for public lighting, water works and buildings .....	23
Whitney township in, authorized to borrow money to improve certain highways .....	66
Standish township in, act to organize school district in and create graded school amended .....	126
Au Sable City: to detach territory from and attach to the township of Au Sable .....	500
Bad Axe Village: in Huron county, to legalize bonds issued .....	35
Baldwin Township: in Delta county, territory attached to from Escanaba township .....	101
Baraga Township: in Baraga county, authorized to borrow money and issue bonds to pay outstanding orders .....	61
Baraga County: Baraga township in, authorized to borrow money and issue bonds to pay outstanding indebtedness .....	61
L'Ansee township in, providing for holding caucuses in election precinct number two .....	375
Battle Creek City: act to incorporate public schools amended .....	59
charter of, amended .....	363
Bay City: board of education of, authorized to issue orders to pay a portion for the erecting and furnishing school building .....	157
common council of, authorized to borrow money to pay water works bonds .....	336
high school, to legalize proceedings relative to sending scholars from Hampton township to .....	314
charter of amended .....	667
Bay County: supervisors authorized to transfer money from contingent fund to poor fund .....	1
act to provide for selecting jurors for the circuit court .....	21
to provide compensation for clerical work in county clerk's office .....	59
board of supervisors to issue bonds, to refund stone road bonds .....	101
to provide for cleaning out and keeping open the Quannicoosee and Cheboyganing State ditch .....	104
act to legalize certain proceedings relative to sending scholars from Hampton township to Bay City high school .....	314
act to authorize the board of supervisors to fix compensation of members of committees .....	508
to prohibit fishing in the bayous and creeks of, with nets .....	644

	PAGE.
Bear Lake Township: detached from Charlevoix county and attached to Emmet for judicial purposes.....	484
Belding City: charter of, amended.....	461
Berrien County: Watervliet village in, charter of, amended.....	3
authorizing board of supervisors to use fund derived from liquor tax to furnish county building.....	35
Niles city, act to legalize certain bonds.....	53
Buchanan township in, authorized to borrow money to construct a bridge across St. Joseph river.....	53
to legalize the issuing of bonds to erect court house and county building.....	54
Bessemer City: charter of, amended.....	43
Bingham Township: in Huron county, territory attached to school district number two.....	70
Blackman Township: act to provide for registration and election in school district number seventeen.....	314
Board of Supervisors: of Houghton county, act to enable them to rebuild the bridge across Portage lake.....	7
of Berrien county, to legalize issue of bonds to erect court house and county building at St. Joseph.....	53
of Bay county authorized to provide compensation for clerical work in county clerk's office.....	40
of Alpena county, to bond county to construct and maintain county roads.....	92
of Bay county, to issue bonds to refund stone road bonds.....	101
of Muskegon county, to legalize orders issued, and the issue of a further amount.....	135
act to legalize action of, in creating county hospital in Delta county.....	267
of Kent county, authorized to fix compensation of committees.....	377
of Bay county, authorized to fix compensation of members of committees.....	536
Bois Blanc Township: in Mackinac county organized.....	88
Brady Township: in Saginaw county, act to organize fractional school district in.....	310
Bridge: across Portage lake, Houghton county board of supervisors authorized to rebuild.....	7
across Thunder bay river, Briley township authorized to borrow money to build.....	319
Brighton Village: in Livingston county, to provide for holding special election for village officers.....	147
Briley Township: in Montmorency county, to incorporate the public schools.....	71
authorized to borrow money to build bridge and township highway.....	319
Buchanan Township: in Berrien county, authorized to borrow money to construct bridge across St. Joseph river....	53
Burt Township: in Cheboygan county, territory detached from and attached to Tuscarora and Waverly townships.....	146
Cadillac City: reincorporated.....	435
Carp Lake Township: in Ontonagon county, authorized to borrow money to pay outstanding indebtedness.....	75
Caseville Township: in Huron county, territory attached to.....	30
Oato Township: in Montcalm county, land attached to.....	12
Cedar Township: in Mackinac county, territory detached from, to Organize Sherwood township.....	63
Charlevoix County: South Arm township, authorized to borrow money to build roads and bridges.....	19
territory attached to.....	123
territory detached from and attached to Emmet county for judicial and municipal purposes..	484
Charlotte City: reincorporated.....	160
Charters Amended or Revised:	
Cities—	
Adrian.....	63
Albion.....	266
Ann Arbor.....	78
Battle Creek.....	266
Bay City.....	667
Belding.....	451
Bessemer.....	43
Cheboygan.....	123
Coldwater.....	641
Detroit.....	1, 40, 85, 127, 653, 720, 723
Escanaba.....	313
Gladstone.....	321

	PAGE.
<b>Charters Amended or Revised—Continued:</b>	
<i>Cities—Continued:</i>	
Grand Rapids.....	807
Hastings.....	121
Jackson.....	106
Kalamazoo.....	644
Lansing.....	2, 654
Manistee.....	155
Marquette.....	826
Negaunee.....	12
Niles.....	25
Port Huron.....	226
Saginaw.....	253, 726
Saint Ste Marie.....	247
West Bay City.....	20, 150
Ypsilanti.....	64
<i>Villages—</i>	
Coloma, Berrien county.....	6
Watervliet, Berrien county.....	8
Zeeland, Ottawa county.....	12
<b>Charters Granted:</b>	
<i>Cities—</i>	
Cadillac, reincorporated.....	485
Charlotte, reincorporated.....	180
East Tawas.....	98
Muskegon, reincorporated.....	831
North Muskegon, reincorporated.....	729
Petoskey.....	51
Sturgis.....	453, 666
Tawas city.....	98
Three Rivers.....	507
Traverse city.....	378
<i>Villages—</i>	
Calumet, Houghton county, reincorporated and name changed to Laurium.....	102
Ewen, Ontonagon county.....	208
Wakefield, Gogebic county, reincorporated.....	7
<b>Cheboygan County:</b>	
Mackinaw city, village in, authorized to borrow money to build public docks.....	27
Burt township, territory detached from and attached to Tuscorora and Waverly.....	146
<b>Cheboygan City:</b>	
charter of amended.....	122
<b>Cheesaning Township:</b>	
in Saginaw county, act to organize fractional school district in.....	210
<b>Chesterfield Township:</b>	
in Macomb county, act to provide two voting precincts for.....	220
<b>Chippewa County:</b>	
Whitefish township in, to provide two voting precincts for.....	96
<b>City:</b>	
of Adrian, charter of, amended.....	60
Albion, charter of, amended.....	266
Alpena, authorized to construct or purchase water works system.....	603
and villages, in St. Clair county, liable for claims for care of persons sick with contagious diseases.....	302
Ann Arbor, act to reincorporate amended.....	78
council of, to enter into contract for public lighting.....	187
Au Sable, territory detached from, and attached to the township of Au Sable.....	580
Battle Creek, charter of, amended.....	368
Bay City, common council of, authorized to borrow money to pay water bonds.....	226
charter of amended.....	667
Belding, charter of amended.....	451
Cadillac, reincorporated.....	425
Charlotte, reincorporated.....	180
Cheboygan, charter of, amended.....	122
Coldwater, charter of, amended.....	641
Detroit, charter of, amended.....	1, 85, 187, 632, 720, 722, 753
act to provide law department for, and to abolish the office of city counselor and attorney.....	297
act relative to free schools in, amended.....	266, 504
act supplemental to charter of, amended.....	591
act to place disabled or incapacitated members of the police force on the retired list, amended.....	602
act to establish and provide justice court in.....	744
act to more clearly define nuisances and provide means for their abatement.....	724
authorized to take private property for public use.....	772
East Tawas, incorporated.....	98
East Saginaw, act to incorporate the board of education of, amended.....	229
Eaton Rapids, to legalize issue of bonds for the construction of water works and electric light plant.....	642
Escanaba, act to reincorporate amended.....	312
Flint, act to revise, amend and consolidate all acts relative to union school districts.....	142
Gladstone, authorized to borrow money for street improvement, extension of water-works and electric lighting plant.....	266
act to reincorporate amended.....	321
authorized to borrow money to pay judgment.....	508

## City—Continued:

of Grand Rapids, act relative to justice courts amended	1
act to authorize a board of public works, amended	174
act to provide for the management of cemeteries, amended	376
charter of amended	607
Hastings, act to incorporate board of education amended	113
charter of, amended	131
Iron Mountain, to provide for the election of an assessor for	65
act to enable city council to raise money for school purposes	306
Ironwood, act to provide depository for	119
Jackson, charter of, amended	106
act to provide for registration and election in school district seventeen	314
Kalamazoo and township of, act to incorporate school district in, amended	311
charter of amended	644
Lansing, charter of amended	1, 654
authorized to vacate a portion of Allegan street and use the same for public purposes	602
Manistee, act to reincorporate amended	185
Marquette, charter of, amended	828
Menominee, to legalize the issue of bonds	143
Muskegon, territory detached from	76
reincorporated	821
North Muskegon, reincorporated	729
Pontiac, authorized to borrow money to build main or trunk sewers	800
Port Huron, charter amended	236
Saginaw, charter of amended	253, 726
act to provide for the election of two justices of the peace and appointment of justice's clerk amended	598
Sault Ste. Marie, charter of amended	347
Sturgis, incorporated	483, 666
Tawas city, incorporated	96
Three Rivers, incorporated	527
Traverse city, incorporated	378
West Bay city, charter of amended	150
Ypsilanti, charter amended	84
<b>Coldwater City:</b>	
charter of amended	661
<b>Coloma Village:</b>	
in Harrison county, charter of amended	6
<b>Deerfield Township:</b>	
in Lapeer county, to legalize bonds issued by fractional school district No. two	96
<b>Delta County:</b>	
Baldwin township in, territory attached to	101
Beaman township, territory detached from	101, 102
Masonville township, territory attached to	102
act to provide two voting precincts for	265
Gladstone city in, authorized to borrow money for public improvements	266
Beaman city in, act to reincorporate, amended	213
Gladstone city in, act to reincorporate amended	221
act to legalize the creating of a county hospital	267
Gladstone city in, authorized to borrow money, to be used in payment of judgments	503
<b>Detroit City:</b>	
charter of, amended	1, 40, 85, 127, 653, 720, 721, 723
act to provide law department for	297
act relative to free schools in, amended	256, 564
act supplemental to charter of, relating to parks and boulevards, amended	591
act to place disabled or incapacitated members of the police force on the retired list, amended	603
act to establish justice courts in	714
act to more clearly define nuisances and provide means for their abatement	724
to take private property for the use and benefit of the public	773
<b>Dickinson County:</b>	
Iron Mountain in, act to provide a board of review and assessment for	43
Iron Mountain city in, act to provide for the election of an assessor for	66
<b>Doyle Township:</b>	
in Schoolcraft county, territory detached from	121
<b>Dundee Village:</b>	
in Monroe county, territory attached to	121
<b>Duncan Township:</b>	
in Houghton county act to provide two voting precincts for	17
<b>Dushville Village:</b>	
in Isabella county name changed to Winn	78
<b>Eagle Harbor Township:</b>	
in Keweenaw county, land attached to	79
<b>East Saginaw City:</b>	
act to incorporate the board of education in, amended	269
<b>East Tawas City:</b>	
incorporated	96
<b>Eaton County:</b>	
Charlotte city in, reincorporated	269



	PAGE.
<b>Eaton Rapids City:</b> act to legalize bonds issued for water works and electric light plant.....	643
<b>Ecceles Township:</b> in Wayne county, act to facilitate construction of sidewalks in .....	387
<b>Ellis Brook:</b> act to prevent the catching of trout in .....	10
<b>Emmet County:</b> Readmond township, board of health of, authorized to sell cemetery.....	186
territory attached to for judicial purposes .....	484
Harbor Springs village, president of, to be member <i>ex officio</i> of the board of supervisors.....	653
<b>Emmett Township:</b> in St. Clair county, territory detached from school district number three.....	43
<b>Escanaba City:</b> act to reincorporate amended .....	313
<b>Escanaba Township:</b> in Delta county, territory detached from and attached to Baldwin township.....	101
territory detached from and attached to township of Masonville.....	108
<b>Ewen Village:</b> in Ontonagon county, incorporated.....	226
<b>Fairgrove township:</b> in Tuscola county, act to reorganize school district number four, in .....	606
<b>Fairhaven Township:</b> in Huron county, territory detached from, and attached to Cassville township.....	20
<b>Flint City:</b> act to revise, amend and consolidate all acts relative to union school district in .....	143
<b>Fraser Village:</b> in Macomb county, incorporated .....	49
<b>Fort Gratiot Township:</b> in St. Clair county, to reorganize .....	186
<b>Genesee County:</b> act to provide for fish shutes in Flint river and tributaries ... ..	641
<b>Germfask Township:</b> in Schoolcraft county, territory attached to.....	131
authorized to borrow money to pay outstanding orders.....	366
<b>Gladstone City:</b> authorized to borrow money for street improvements, water works and electric lighting plant .....	226
act to reincorporate, amended.....	321
authorized to borrow money to pay judgments .....	503
<b>Gogebie County:</b> Wakefield village in, reincorporated .....	7
Ironwood city in, authorized to examine warrants and exchange for certificates of indebtedness .....	20
Bessemer city in, charter of, amended .....	43
Ironwood city, act to provide depository for .....	113
<b>Grand Rapids City:</b> act relating to justice courts in, amended.....	2
act to authorize a board of public works, amended .....	374
act to provide the management of cemeteries amended.....	376
providing for collection of assessments against the D. G. H. & M. R. R. company.....	606
the C. & W. M. R. R. company .....	606
the G. H. & I. R. R. company .....	606
the M. C. R. R. company .....	606
the L. S. & M. S. R. R. company.....	606
the D., L. & N. R. R. company.....	606
charter of amended.....	607
<b>Grand Traverse County:</b> Traverse city in, incorporated.....	378
<b>Grant Township:</b> in Keweenaw county, detaching certain lands from .....	70
<b>Green Bay:</b> act to protect fish in, and regulate fishing with seines and nets .....	36
<b>Grosse Pointe Township:</b> in Wayne county, territory detached from, and organized into Gratiot township. ....	355
<b>Hampton Township:</b> in Bay county, to legalize certain proceedings relative to sending scholars of to Bay city high school.....	314
<b>Hancock Village:</b> in Houghton county, to enlarge the boundaries of.....	96
<b>Harbor Springs Village:</b> in Emmet county, act to constitute the president of a member <i>ex officio</i> of the board of supervisors.....	653
<b>Hastings City:</b> charter of amended.....	121
act to incorporate board of education of amended.....	113

	Page.
<b>Hillman Township:</b>	
in Montmorency county, authorized to borrow money to pay outstanding indebtedness.....	27
<b>Holmes Township:</b>	
in Mackinac county, territory detached from and attached to St. Ignace .....	13
Mackinac county, Bois Blanc island detached from .....	23
<b>Houghton County:</b>	
act to enable the board of supervisors to rebuild the bridge across Portage lake .....	7
Duncan township in, to provide two voting precincts for .....	12
Hancock village in, to enlarge the boundaries of .....	15
<b>Howell Village:</b>	
in Livingston county, authorized to raise money to refund bonded indebtedness .....	209
<b>Huron County:</b>	
Fairhaven township in, territory detached from .....	23
village of Bad Axe in, act to legalize issue of bonds by .....	25
Paris township, territory detached from and attached to Bingham township, school district number two .....	19
Port Austin township, act to establish two voting precincts in .....	17
<b>Ionia County:</b>	
Belding city in, charter of amended .....	42
<b>Iosco County:</b>	
Tawas City in, incorporated .....	2
East Tawas city in, incorporated .....	2
Au Sable city, territory detached from and attached to Au Sable township .....	20
<b>Iron Mountain City:</b>	
act to provide a board of review of assessment for .....	41
act to provide for the election of an assessor for .....	41
city council of, authorized to raise money for school purposes .....	205
<b>Ironwood City:</b>	
act authorizing the examination of warrant .....	29
act to provide depository for .....	19
<b>Isabella County:</b>	
Dowhville village in, name changed to Winn .....	15
Mt. Pleasant city in, act to reorganize and incorporate the public school of, amended .....	209
<b>Iskemping Township:</b>	
in Marquette county, act to detach certain land from and attach to Tilden township .....	13
<b>Jackson City:</b>	
charter of amended .....	105
act to provide for registration and election in school district number seventeen .....	204
<b>Justices' Courts:</b>	
act to establish and provide in the city of Detroit .....	74
<b>Kalamazoo City:</b>	
charter of amended .....	64
<b>Kalamazoo County:</b>	
Oshkemo township in, act to establish school district number thirteen, amended .....	29
<b>Kent County:</b>	
act to provide compensation and prescribe the duties of certain officers in, amended .....	205
board of supervisors of, authorized to fix compensation of members of committees .....	277
<b>Keweenaw County:</b>	
Grant township in, land detached from .....	70
<b>Lakeview Village:</b>	
in Montcalm county, act to detach land from and attach to Cato township .....	11
<b>L'Anse Township:</b>	
in Baraga county, act providing for holding caucuses in election precinct number two .....	218
<b>Lansing City:</b>	
act to reincorporate amended .....	1
authorized to vacate a portion of Allegan street and use the same for public purposes .....	62
charter of amended .....	64
<b>Lapeer County:</b>	
act to legalize bonds issued by fractional school district number two in Mayfield and Deerfield townships .....	25
to provide fish shutes in Flint river and tributaries .....	61
<b>Laurium Village:</b>	
in Houghton county, Calumet reincorporated and name changed to .....	100
<b>Leelanau County:</b>	
territory attached to .....	123
<b>Limestone Township:</b>	
in Alger county, organized .....	29
<b>Lincoln Township:</b>	
in Arenac county, authorized to borrow money for public lighting, water works and buildings .....	29
<b>Livingston County:</b>	
Howell village in, authorized to raise money to refund bonded indebtedness .....	209

# INDEX

961

	PAGE.
<b>Mackinaw City Village:</b>	
in Cheboygan and Emmet counties, authorized to borrow money to build public docks.....	27
<b>Mackinac County:</b>	
St. Ignace township in, territory detached from and added to Maran township.....	16
Holmes township in, territory detached from and added to St. Ignace.....	16
Cedar township in, territory detached from and Sherwood township organized.....	68
Bois Blanc island detached from Holmes township and organized into Bois Blanc township..	88
<b>Macomb County:</b>	
Fraser village in, incorporated.....	49
act to provide a board of jury commissioners for.....	128
Chesterfield township in, to provide two voting precincts for.....	320
<b>Manitow County:</b>	
act to organize repealed, territory attached to Charlevoix and Leelanau.....	122
<b>Manistee City:</b>	
act to reincorporate amended.....	155
<b>Manistee County:</b>	
act to prohibit fishing with certain nets in.....	312
<b>Marlette Township:</b>	
in Sanilac county, school district number three in, authorized to borrow money to erect and furnish school buildings.....	286
<b>Marquette City:</b>	
charter of, amended.....	322
<b>Marquette County:</b>	
Ishpeming township in, land detached from.....	12
Negaunee city in, charter of, amended.....	12
Marquette city in, charter of, amended.....	322
to exempt from an act to provide for a county and township system of roads.....	374
<b>Mason County:</b>	
Riverton township in, act to legalize Ox Bow lake drain in.....	676
act to legally establish the State road drain in.....	625
act to legally establish Bickford lake drain in.....	606
act to legally establish the St. Mary's lake drain in.....	704
<b>Masonville Township:</b>	
in Delta county, territory attached to.....	102
to provide two voting precincts in.....	228
<b>Matthias Township:</b>	
in Alger county, territory detached from, to organize Limestone township.....	89
<b>Mayfield Township:</b>	
in Lapeer county, act to legalize bonds issued by fractional school district number two.....	92
<b>Menominee City:</b>	
to empower the city to build a bridge across the Menominee river and keep it in repair.....	56
to legalize the issue of bonds by.....	143
<b>Menominee County:</b>	
act to protect fish and regulate fishing in the waters of Green bay.....	26
to repeal an act providing for a board of review of assessments.....	45
Menominee city in, authorized to borrow money to build a bridge across Menominee river.....	55
act to provide for appointment of a probate register for.....	642
<b>Menominee River:</b>	
Menominee county, authorized to borrow money to build a bridge across, and keep in repair.....	55
<b>Monroe County:</b>	
Dundee village in, territory attached to.....	121
<b>Montmorency County:</b>	
Briley township in, public schools of, to incorporate.....	71
authorized to borrow money to build bridge and township highway.....	319
Vienna township in, to incorporate the public schools of.....	308
Albert township in, authorized to borrow money to construct a system of lighting and fire protection.....	207
Hillman township in, authorized to borrow money to pay outstanding indebtedness.....	217
<b>Moran Township:</b>	
in Mackinac county, territory attached to.....	16
<b>Mt. Pleasant City:</b>	
act to reorganize and incorporate public schools of amended.....	309
<b>Muskegon City:</b>	
territory detached from and attached to Muskegon township.....	76
reincorporated.....	221
<b>Muskegon County:</b>	
Muskegon township in, territory detached from and attached to Muskegon city.....	66
Muskegon city in, territory detached from.....	76
act to legalize orders issued by the board of supervisors.....	155
<b>Muskegon Township:</b>	
in Muskegon county, to detach territory from, and attach to the city of Muskegon.....	66
territory attached to.....	76
<b>Negaunee City:</b>	
charter of, amended.....	12

	PAGE
New Haven Township:	
in Shiawassee county, act to provide for the organization of a fractional school district in.....	200
Niles City:	
charter of, amended.....	95
act to legalize certain bonds of.....	95
North Muskegon City:	
reincorporated.....	729
Oakland County:	
act providing for the appointment of a stenographer for the probate court of.....	200
Ogemaw County:	
Ogemaw township in, to vacate and incorporate its territory in West Branch township.....	200
Ogemaw Township:	
in Ogemaw county, act to vacate and incorporate its territory in West Branch township.....	200
Onoto Township:	
in Alger county, territory detached from.....	80
Ontonagon County:	
Ontonagon village in, authorized to borrow money to extend water system and complete lighting plant.....	20
Carp Lake township in, authorized to borrow money to pay outstanding indebtedness.....	70
Ewen village in, incorporated.....	200
Ontonagon Township:	
in Ontonagon county, to authorize the school district of to borrow money to pay outstanding indebtedness.....	21
Ontonagon Village:	
in Ontonagon county, authorized to borrow money to extend water system and complete electric light plant.....	20
Oshkosh Township:	
in Kalamazoo county, act to establish school district number thirteen in, amended.....	80
Ottawa County:	
Zeeland village in, charter amended.....	12
Otsego County:	
Otsego lake in, act for the protection of fish in the waters of.....	200
Otsego Lake:	
in Otsego county, for the protection of fish in the waters of.....	200
Paris Township:	
in Huron county, school district number two, territory detached from.....	70
Paw Paw Township:	
in Van Buren county, authorized to borrow money to be used for roads, bridges and avenues of transportation.....	600
Perry Township:	
in Shiawassee county, act providing two voting precincts in, amended.....	77
Petoskey City:	
incorporated.....	51
mayor of, to be a member <i>ex officio</i> of the board of supervisors.....	600
Pontiac City:	
authorized to borrow money to build trunk or main sewers.....	200
Port Austin Township:	
in Huron county, act to establish two polling places in.....	77
Portage Lake:	
act to enable Houghton county board of supervisors to build bridge across.....	7
Port Huron City:	
charter of amended.....	200
Port Huron Township:	
in St. Clair county, act to reorganise.....	120
Presque Isle County:	
Rogers township, act to organize union school district in, amended.....	20
Primaries:	
act to provide for, and regulate, in Wayne county.....	200
Probate Register:	
to provide for appointment of, in Menominee county.....	600
Public Schools:	
of Battle Creek, act to incorporate, amended.....	20
in Briley township, Montmorency county, to incorporate.....	71
in Vienna township, Montmorency county, incorporated.....	200
of Mt. Pleasant city, act to reorganise and incorporate, amended.....	200
Readmond Township:	
in Emmet county, board of health of, authorized to sell cemetery.....	125
Resort Township:	
detached from Charlevoix county and attached to Emmet for judicial purposes.....	600
Riverton Township:	
in Mason county, act to legally establish the Ox Bow lake drain.....	600
to legally establish the State road drain in.....	600

	PAGE.
<b>Riverton Township—Continued:</b>	
in Mason county, to legally establish the Hickford lake drain in.....	695
to legally establish the St. Mary's lake drain in.....	704
<b>Rock River Township:</b>	
in Alger county, territory detached from.....	80
<b>Rogers Township:</b>	
in Presque Isle county, act to organize union school district in, amended.....	50
<b>Rush Township:</b>	
in Shiawassee county, act to provide for the organization of a fractional school district in....	310
<b>Saginaw Bay:</b>	
act for the protection of fish in.....	508
<b>Saginaw City:</b>	
charter of amended.....	253, 726
act to provide for the election of two justices of the peace and appointment of justice clerk.....	506
<b>Saginaw County:</b>	
act to provide geographical index of the records in register of deeds office.....	61
Brady township in, act to organize a fractional school district in.....	310
Chebaning Township in, act to organize a fractional school district in.....	310
to provide fish shutes in Flint river and tributaries.....	641
to prohibit fishing in the bayous and creeks of with nets.....	644
<b>Sanilac County:</b>	
Marlette township in, authorized to borrow money for the erection and furnishing of school buildings.....	288
<b>Sault Ste. Marie City:</b>	
charter of amended.....	347
<b>School District:</b>	
in Ontonagon township, Ontonagon county, authorized to borrow money to pay outstanding indebtedness.....	11
number three of Marlette township, Sanilac county, authorized to borrow money to erect and furnish school buildings.....	288
Kalamazoo township and city, act to organize in amended.....	311
number seventeen, Jackson city, to provide for registration and election in.....	314
number three Hampton township, Bay county, to legalize proceedings relative to sending scholars to Bay City high school.....	314
Union township, Grand Traverse county, to organize into a single school district.....	323
in Fairgrove township, Tuscola county, reorganized.....	605
<b>Schoolcraft County:</b>	
authorized to borrow money to construct highways from Manistique to Seney.....	90
Doyle township in, territory detached from and attached to Germfask.....	131
Germfask township in, authorized to borrow money to pay outstanding orders.....	366
<b>Sherwood Township:</b>	
in Mackinac county, organized.....	66
<b>Shiawassee County:</b>	
Perry township, act providing two voting precincts in amended.....	77
New Haven township, act to organize a fractional school district in.....	310
Rush township in, act to organize a fractional school district.....	310
<b>South Arm Township:</b>	
in Charlevoix county, authorized to borrow money to build roads and bridges.....	19
<b>Springvale Township:</b>	
in Charlevoix county, portion of detached and added to Emmet for judicial purposes.....	484
<b>Standish Township:</b>	
in Arenac county, act to organize school district and create graded school in amended.....	185
<b>St. Clair County:</b>	
to authorize the judge of probate to appoint a register.....	327
cities and villages in, liable for payment of claims for care of persons sick with contagious diseases.....	303
Fort Gratiot township in, act to reorganize.....	136
Port Huron township in, act to reorganize.....	136
territory attached to school district number eight, Mussey township.....	43
territory detached from school district number three, Emmet township.....	43
<b>St. Joseph County:</b>	
Sturgis city in, incorporated.....	453, 606
<b>St. Joseph River:</b>	
Buchanan township, Berrien county, authorized to borrow money and build bridge across.....	56
<b>St. Ignace Township:</b>	
in Mackinac county, territory attached to.....	16
detached from.....	16
<b>Sturgis City:</b>	
incorporated.....	453, 606
<b>Summit Township:</b>	
in Jackson county, to provide for registration and elections in school district number seven-teen.....	314
<b>Tawas City:</b>	
incorporated.....	96

	Pam.
Three Rivers City, incorporated.....	88
Tilden Township: in Marquette county, land attached to.....	11
Tittabawassee Township: in Saginaw county, authorized to borrow money on its bonds to build a bridge.....	4
Township: of Albert, Montmorency county, authorized to borrow money for construction of system of lighting and fire protection.....	397
An Sab e, Iosco county, territory attached to.....	180
Baldwin, Delta county, territory attached to.....	101
Baraga, Baraga county, authorized to borrow money and issue bonds to pay outstanding orders.....	61
Bear Lake, detached from Charlevoix and attached to Emmet county for judicial purposes.....	484
Bingham, Huron county, territory attached to school district number two.....	70
Bois Blanc, Mackinac county, organized.....	88
Briley, Montmorency county, public schools of, incorporated.....	71
authorized to borrow money to build bridge and township highway.....	319
Brockway, St. Clair county, territory attached to fractional school district number eight.....	43
Buchanan, Berrien county, authorized to borrow money to construct a bridge across the St. Joseph river in.....	58
Burt, Cheboygan county, territory detached from.....	145
Carp Lake, Ontonagon county, authorized to borrow money to pay outstanding indebted- ness.....	75
Cedar, Mackinac county, territory detached from, to organize Sherwood township.....	68
Chesterfield, Macomb county, act to provide two voting precincts.....	330
Dearfield, Lapeer county, to legalize bonds issued by fractional school district number two.....	48
Doyle, Schoolcraft county, territory detached from and attached to Germfask.....	131
Duncan, Houghton county, to provide two voting precincts for.....	17
Eagle Harbor, Keweenaw county, land attached to.....	70
Ecorse, Wayne county, act to facilitate construction of sidewalks.....	247
Escanaba, Delta county, territory detached from.....	101
territory detached from and attached to Masonville.....	110
Fairgrove, Tuscola county, to reorganize school district number four.....	626
Fairhaven, Huron county, territory detached from and attached to Caseville.....	20
Ft. Gratiot, St. Clair county, act to reorganize.....	138
Germfask, Schoolcraft county, authorized to borrow money to pay outstanding orders.....	399
Grant, Keweenaw county, detaching land from and attaching to Eagle Harbor township.....	70
Gratiot, Wayne county, organized.....	255
Grosse Pointe, Wayne county, territory detached from.....	255
Hampton, Bay county, act to legalize proceedings relative to sending resident scholars to Bay City high school.....	314
Hillman, Montmorency county, authorized to borrow money to pay outstanding orders and indebtedness.....	317
Holmes, Mackinac county, territory detached from.....	16
Bois Blanc island, detached from.....	85
Ishpeming, Marquette county, act to detach certain lands from and attach to Tilden town- ship.....	13
Kalamazoo, and city of, act to incorporate school district in, amended.....	311
L'Anse, Baraga county, act providing for caucuses in election precincts number two.....	373
Limestone, Alger county, organized.....	80
Lincoln, Arenac county, authorized to borrow money for public lighting, water works and buildings.....	43
Lynn, St. Clair county, territory attached to fractional school district number eight.....	43
Mariette, Sanilac county, to authorize school district number three to borrow money to erect and furnish school buildings.....	228
Masonville, Delta county, act to provide two voting precincts for.....	74
Matthias, Alger county, territory detached from to organize Limestone township.....	59
Mayfield, Lapeer county, to legalize bonds issued by fractional school district number two.....	62
Muskegon, Muskegon county, to detach territory from, and attach to city of Muskegon.....	68
territory attached to.....	76
Mussey, St. Clair county, territory attached to fractional school district number eight in.....	43
Ogemaw, Ogemaw county, to vacate and incorporate its territory into West Branch town- ship.....	319
Onota, Alger county, territory detached from to organize Limestone township.....	59
Ontonagon, Ontonagon county, authorized to borrow money to pay outstanding indebted- ness.....	11
Oshemo, Kalamazoo county, to amend an act to establish school district number thirteen.....	39
Paris, Huron county, school district number two territory detached from.....	70
Paw Paw, Van Buren county, authorized to borrow money for roads and bridges.....	601
Perry, Shiawassee county, act providing two voting precincts, amended.....	77
Pineconing, Bay county, act to organize school district and create graded schools in, amended.....	125
Port Austin, Huron county, act to establish two voting precincts in.....	77
Port Huron, St. Clair county, act to reorganize.....	125
Readmond, Emmet county, board of health of, authorized to sell cemetery.....	125
Resort detached from Charlevoix and attached to Emmet county for judicial purposes.....	684
Rock River, Alger county, territory detached from to organize Limestone township.....	39
Rogers, Presque Isle county, act to organize union school district in, amended.....	373
Riverton, Mason county, act to legally establish the Ox Bow lake drain in.....	678
act to legally establish the State road drain in.....	678
act to legally establish the Blackford lake drain in.....	678
act to legally establish the St. Mary's lake in.....	704
South Arm, Charlevoix county, authorized to borrow money for use in building roads and bridges.....	19

	PAGE.
<b>Township—Continued:</b>	
of Springvale a portion of, detached from Charlevoix and attached to Emmet for judicial purposes .....	494
Standish, Arenac county, act to organise school district and create graded schools in, amended .....	125
St. Ignace, Mackinac county, territory detached from .....	12
Tittabawassee, Saginaw county, authorized to borrow money to build a bridge .....	4
Union, Grand Traverse county, organized into a single school district .....	262
Vienna, Montmorency county, public schools of, incorporated .....	212
Whitedish, Chippewa county, to provide two voting precincts in .....	92
Whitney, Arenac county, authorized to borrow money for improvement of highways .....	66
<b>Traverse City:</b>	
in Grand Traverse county, incorporated .....	375
<b>Tuscarora Township:</b>	
in Cheboygan county, territory attached to .....	146
<b>Tuscola County:</b>	
Fairgrove township in, act to reorganise school district number four .....	605
<b>Union Township:</b>	
in Grand Traverse county, act to organise into a single school district .....	262
<b>Van Buren County:</b>	
Paw Paw township in, authorized to borrow money to be used for roads, bridges and avenues of transportation .....	601
<b>Vienna Township:</b>	
Montmorency county, to incorporate the public schools of .....	202
<b>Villages:</b>	
villages and cities, in St. Clair county, liable for claims for care of persons sick with contagious diseases .....	202
Bard Axe, Huron county, to legalise the issue of bonds .....	35
Brighton, Livingston county, to provide for holding special election for village officers .....	147
Calumet, Houghton county, reincorporated and name changed to Laurium .....	102
Coloma, Berrien county, charter of amended .....	6
Dandee, Monroe county, territory attached to .....	121
Dushville, Isabella county, to change the name of to Winn .....	78
Ewen, Ontonagon county, incorporated .....	245
Fraser, Macomb county, incorporated .....	49
Hancock, Houghton county, to enlarge the boundaries of .....	95
Harbor Springs, Emmet county, president of to be <i>ex officio</i> member of the board of supervisors .....	653
Howell, Livingston county, authorized to raise money to refund bonded indebtedness .....	100
Lakeview, Montcalm county, to detach certain lands from and attach to Cato township .....	12
Mackinaw city, Cheboygan and Emmet counties, authorized to borrow money to build docks .....	27
Marquette, Schoolcraft county, to construct highway between it and Seney .....	90
Ontonagon, Ontonagon county, to borrow money to extend water works and complete electric lighting plant .....	10
Wakefield, Gogebic county, reincorporated .....	7
Watervliet, Berrien county, charter of amended .....	8
Winn, Isabella county, changed to from Dushville .....	78
Zealand, Ottawa county, charter amended .....	12
<b>Wakefield Village:</b>	
in Gogebic county, reincorporated .....	7
<b>Watervliet Village:</b>	
in Berrien county, charter amended .....	8
<b>Waverly Township:</b>	
in Cheboygan county, territory attached to .....	146
<b>Wayne County:</b>	
act authorizing the issuing of bonds to build public buildings and purchase site, repealed .....	9
act to fix the term of office of the treasurer of .....	24
supervisors of, to hold special meeting to consider necessity of purchasing site for court house and county offices .....	25
act to provide for keeping account of, and deposit of public moneys, amended .....	120
Reorse township in, act to facilitate construction of sidewalks .....	237
act to provide for, regulate primaries, elections and conventions in .....	245
Grasse Pointe township, territory detached from, and organized into Gratiot township .....	255
act to fix compensation and duty of certain officers and employees of .....	479
act to provide salary and appointment of clerks for circuit court commissioners in, amended .....	721
<b>West Bay City:</b>	
charter of, amended .....	29, 150
<b>Whitedish Township:</b>	
in Chippewa county, to provide two voting precincts in .....	92
<b>Whitney Township:</b>	
in Arenac county, authorized to borrow money for improvement of highways .....	66
<b>Ypsilanti City:</b>	
charter of, amended .....	64
<b>Zealand Village:</b>	
in Ottawa county, charter of amended .....	12









the 1990s, the number of people in the world who are malnourished has increased from 1.1 billion to 1.6 billion (FAO 1996).

There are a number of reasons for this increase. First, the world population has increased from 5.3 billion in 1986 to 6.1 billion in 1996. Second, the number of people who are malnourished has increased from 1.1 billion in 1986 to 1.6 billion in 1996. Third, the number of people who are malnourished has increased from 1.1 billion in 1986 to 1.6 billion in 1996. Fourth, the number of people who are malnourished has increased from 1.1 billion in 1986 to 1.6 billion in 1996. Fifth, the number of people who are malnourished has increased from 1.1 billion in 1986 to 1.6 billion in 1996. Sixth, the number of people who are malnourished has increased from 1.1 billion in 1986 to 1.6 billion in 1996. Seventh, the number of people who are malnourished has increased from 1.1 billion in 1986 to 1.6 billion in 1996. Eighth, the number of people who are malnourished has increased from 1.1 billion in 1986 to 1.6 billion in 1996. Ninth, the number of people who are malnourished has increased from 1.1 billion in 1986 to 1.6 billion in 1996. Tenth, the number of people who are malnourished has increased from 1.1 billion in 1986 to 1.6 billion in 1996.

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